

You Can't Do That

IV. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated . . .

Congress shall make no law . . . abridging the freedom of speech or of the press; of the right of the people peacefully to assemble . . .

V. No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a grand jury . . . nor shall any person be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury . . .

XIV. No State shall . . . deny to any person within its jurisdiction the equal protection of the law.

YOU CAN'T DO THAT

by George Seldes

THE BOOK

Liberty—we talk about it, write about it, sing about it—but have we got it? In this pungent, hard-hitting book George Seldes shows just how American liberty is threatened, and from what sources we have most to fear. What part do the police and the courts play in destroying our civil liberties? What organizations, and what individuals, are engaged in openly flouting American traditions of freedom or in more subtly and secretly undermining them? All these he reveals in this explicitly documented account, an indispensable weapon of defense for every American who cares about preserving this "Sweet land of liberty."

THE AUTHOR

George Seldes was working for the United Press in London when the United States entered the war. In 1918 and 1919 he served as war correspondent with the A.E.F. For nine years after that he was the chief of the *Chicago Tribune* bureau in Berlin. He served in Moscow, 1921-22; Rome, 1925; and covered the French army campaign in Syria in 1926-27.

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You Can't Do That

A survey of the forces attempting, in the
name of patriotism, to make a desert of
the Bill of Rights

by George Seldes

Modern Age Books



New York

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The cold stops. Rains fall. The sun shines. The rigors and terrors of nature come to an end. But the rigor and terror of man against man never cease. I've seen it. I know. In textile mills, railroad yards, on docks, in the streets. Machine guns mowing down men in Wisconsin. Men and women hounded and flogged and tortured in San Francisco. Riot squads, strikebreakers, nausea gas — bayonets! And starvation! And voices crying out! For what? A little bread, a little sun, a little peace and delight. I've heard them, I tell you. I've seen. And I know. This is reality, this is the stuff our senses are gorged with.

Russet Mantle, by LYNN RIGGS
(French and Co., 1936)

To Kyle Crichton

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FOREWORD

THE purpose of this book is to tell, within technical and personal limitations, what is happening to our inherited liberties, and to survey the forces which, in the name of patriotism, are making a desert of the Bill of Rights.

And since similar forces in many lands have invariably developed within a certain pattern, I have attempted, after examining the economic, patriotic, financial, and other motives of American reaction, to draw a parallel with the ultimate form, Fascism.

This book deals almost wholly with the present. Civil rights, freedom, liberties, the "precious blessings" which Jefferson believed "no other people on earth enjoy," have never been enjoyed by all the people of the United States and for almost a century by none of a whole stratum of the population.

During the greater part of the first century of American industrialism the right of labor to voice its grievances, the right to unionize, to meet freely, were looked upon as economic treason. The right to strike for a long time was considered a criminal action — and many employers would like to see it so today.

Throughout labor's long struggle the right of habeas corpus has been denied hundreds of times, and cruel and unusual punishments have been inflicted, excessive bails have been demanded, and injunctions have been granted within a few weeks after a state law has been passed making injunctions illegal. Frequently the Bill of Rights, as well as the laws of city and state, has been violated by those constituted authorities who are morally unable to realize that they are upholding some Super-Mammoth Shirt Company rather than the Constitution of the United States. Some judges of course prefer the shirts.

The relationship between hard times and a savage onslaught on civil liberties became evident to a few persons of our generation in the early 1920's and has been abundantly and tragically proved to many more in the recent winters of our discontent. "In our times, as in times before," wrote Henry George at another such crisis, "creep on the insidious forces that, producing inequality, destroy liberty.

It is not enough that men should be theoretically equal before the law. They must have liberty to avail themselves of the opportunities and means of life; they must stand on equal terms with reference to the bounty of nature. Either this or darkness comes on, and the very forces that progress has evolved turn to powers that work destruction. This is the universal law. This is the lesson of the centuries." A purely academic or philosophical theory that freedom cannot be secure so long as our living is not secure, has become, many now realize, a vital reality of everyday life. We cannot go on enjoying liberties as luxuries granted us by a prosperous economic situation, much as the poor once "enjoyed" the charity granted them by the rich.

The insidious forces which produce inequality and destroy liberty are the subject of a large part of this volume.

In the great crisis of 1929-1938, these reactionary forces looked upon the unemployed, the dispossessed, the discontented, as so much dry political tinder which they feared might be ignited by a phrase, a slogan, the outstretched hand of a demagogue. Obviously, therefore, the men of wealth and power felt the thing to do was to keep this dangerous human material blanketed and impotent under suppressive laws, gags and regulations and terrorized by the police, the militia, the American Legion, the injunction, by private armies of thugs, gangsters, and by various dirty-shirted organizations.

But the cleverest (and cruelest) among the suppressive means resurrected to intimidate the masses, and check individual thinking, has been the same red scare which had proved so effective in suppressing liberal thought in the depression of the 1920's.

I have no doubt that there are a few sincere men among the red baiters, nor do I have any doubt that the patriotism of many is the last refuge of scoundrels — a fact which Johnson noted years ago and which Matt Quay, who belonged in the Johnsonian category, admitted when he said that if a political platform is weak, "wrap yourself in the American flag and talk about the Constitution."

I think the documentary evidence which I have given in the following chapters will reveal not only the economic forces behind the suppressive, superpatriotic, red-baiting, intolerant and obscurantist organizations and leaders, but the actual dollar and cents price of their patriotism or their scoundrelism.

Since in every instance the reactionary forces have been Machiavellian enough to appropriate the garlands of patriots for themselves, I bring up to date Norman Hapgood's Who's Who¹ of the men and organizations which Washington must have had in mind when in his Farewell Address he warned the American people to "guard against the impostures of pretended patriotism." For these chapters I have had the use of the files of the American Civil Liberties Union and must thank its director, Roger Baldwin, and his assistants who brought the archives to me in Vermont, Messrs. Clifton R. Read and Charles Clift.

Throughout 1936 and 1937 while this book was being written, the La Follette Senate Civil Liberties Committee hearings in Washington exposed almost unbelievable conditions in American industry; they produced the documentary proof of the existence of private armies of thugs and spies, many with records as thieves and murderers. They revealed, in fact, a situation very close to that of Italy between 1920 and 1922 when Mussolini, rebuffed in an effort to lead a workers' army into Rome, sold the Fascist Blackshirts to the manufacturers' association² and spent two years destroying labor unions, their cooperatives and the lives of thousands of their members. Several volumes³ have already appeared epitomizing this sensational testimony; therefore I am not repeating what is perhaps the most important evidence in American history of the corruption, conspiracies and general villainy of a large section of big business in its unadmitted and undeclared class war upon the working people.⁴

¹ *Professional Patriots*, Boni, 1927.

² *Sawdust Caesar*, Chapter VIII, Harper, 1935.

³ *The Labor Spy Racket* by Leo Huberman, Modern Age Books 1937; *Spy Overhead* by Clinch Calkins, Harcourt, Brace & Co. 1937.

⁴ It is highly significant that the La Follette report on spies, issued in January, 1938, was so strongly attacked in the press. Almost every newspaper in the United States suppressed all or part of the list of 2,500 companies which used spies and thugs — "a blue book of American industry," as La Follette called it, and incidentally a blue book of American advertisers. Almost the entire press played up one or two instances where it could charge the committee with error, attempting editorially to destroy this tremendous indictment on the basis of a minor flaw. In New York every paper except the *Herald Tribune* suppressed the fact that the *Herald Tribune* was listed among the spy users. The Hearst papers, the *Mirror* and *Journal-American* and the organ of big business, the *Sun*, refused to use any part of the list.

The major portion of the book is devoted to naming, discussing and presenting the evidence against all enemies of our liberties, which naturally enough turn out to be the forces of reaction. In the third section of the book I have tried to show how America is cutting the cloth of its shirt to fit the Fascist pattern of Europe, and finally I have had a few words to say about the stand and actions that those who really wish for the survival of American liberty must take. Whatever doubts I may have had on this subject were burned away in the shellfire of Madrid during the winter of 1936-1937.

Woodstock, Vermont, 1937
New York City 1937-1938

GEORGE SELDES

PART ONE

LIBERTY OR LAW

Chapter 1. YOU CAN'T DO THAT

YOU can't swear in Elkton, Maryland. A city ordinance of June 1, 1936, made the use of improper speech "in or about business premises" punishable by fine or imprisonment and held the proprietors of buildings responsible. Likewise in Burnsville, West Virginia, Mayor C. E. Whytsell decreed a fine for all who could not curb their speech.

The mayor of Keosauqua, Iowa, on the 24th of the same month, issued a ukase to his one thousand citizens that they must not smoke in bed.

Despite an almost embarrassing proximity to the night-club supersophisticated city of New York, the puritan aldermen of Yonkers have banned the wearing of shorts by the fair and sometimes fat sex. The reason was moral, not a gesture of transcendental aesthetics.

In Berea, Ohio, an ancient but still unrepealed statute makes it illegal for you to take your dog or cat out after dark without a red light on the animal's tail. Whiskers, "complete or partial," are illegal in Los Angeles but beards are standard equipment required by the laws of Brainerd, Minnesota, and Centralia, Washington, according to the scholarly researches of Dick Hyman whose mad compilation is called *It's the Law*. An ancient statute makes it illegal to play the fiddle in Boston or to own a dog more than ten inches high. "It is against the law in the State of Virginia to have a bathtub inside a house; same shall be kept in the yard."

Small town nonsense? Judicial hangovers of Puritan days? Forgotten regulations once necessary to a frontier people? Perhaps.

But in September, 1931, a California judge named Jones barred from American citizenship one Jacob Hullen, because in answer to His Honor's questions Hullen replied that he believed wholeheartedly in municipal or government ownership of light and power plants and other public utilities, that he favored government operation of such necessities for the benefit of the people of America instead of the corporations of the United States.

In New Orleans, Federal Judge Wayne G. Borah denied citizenship to four persons otherwise qualified to take the oath, because they were on relief, therefore "unable financially to contribute to the support of the government." "Admission to citizenship under these circumstances," concluded His Honor, "in my judgment would do violence to the immigration laws of the United States." This decision was made at about the same time as an address by Former Supreme Court Justice Daniel F. Cohalan of New York, who, while denouncing President Roosevelt under the auspices of the Defenders of the Constitution, advocated "the immediate passage of laws to insure that no votes can be cast in the coming (1936) election by any elector who has received any funds from the government within two years preceding the election." In other words the very poor, the millions on relief, would be disfranchised if a man who had sat on the state's supreme court bench had his way.

In some of these episodes, therefore, nothing but stupidity and ancient nonsense is at stake; but in others a new pattern begins to emerge: it is no longer nonsense and small-town arrogance, it is self-evident violation of the civil rights of citizens by the forces elected or appointed to safeguard the Constitution, protect the minority, dispense "equal justice under the law." We come now to the forces which represent vested interests rather than the Bill of Rights.

The first ten amendments to the Constitution were not added without a fight, and the struggle for the rest has cost a tremendous amount of blood and ink. The legislative bodies add more laws, the courts pass on them, the police enforce them, and most citizens of this country generally believe that all is for the best in the best of all possible worlds. Such citizens have never belonged to a minority group. They have never joined a non-popular movement. They have not even tried to proclaim the Republican Party in the Deep South or the gospel of F.D.R. in Vermont. They know nothing of political prisoners, they have never been militant in labor, they have even forgotten the bloodshed between Protestant and Catholic of a generation ago, they never were pacifists in time of war hysteria.

The law of the land makes no distinctions of party, race, political affiliation, sex, industrial philosophy, religious activity. But nevertheless the corner policeman and Mrs. Grundy say "you can't do that." The law says picketing is legal, and the strike the useful

weapon of labor, but the gunmen of big business shoot down scores of workingmen each year and the verdict is "not guilty" or "justifiable homicide." The pressure groups undermine the integrity of the press, the lobbyists pass laws in Washington, and patriotic organizations wave the stars and stripes over kidnapping and lynching and mass violence. A mayor says *He* is the law, a governor speaks of the value of lynching, senators openly declare for Fascism, and when a congressional committee finds the evidence of a big plot to overthrow the government, no action is taken because the guilty are not the expected "reds," but decent gentlemen from Wall Street.

You can't print many of the great classics. You can't see some of the greatest movies ever made. You can't speak in thousands of cities on legitimate topics if your point of view is not that of the mayor or the policeman or the American Legion. At times you can't travel into certain states which want only tourists who have money to spend. And you cannot investigate conditions in the Imperial Valley or organize workmen in Alabama towns, or go about freely in Harlan County during periods of terrorism which may last for weeks or years.

The flag is still flying, the Constitution still exists, the law is on your side, and yet you can't do that. . . .

There are certain forces which aim to make a desert of our Bill of Rights — in the name of patriotism.

Chapter 2. IT HAPPENS EVERYWHERE

If the spirit of liberty should vanish in other parts of the Union, it could all be replenished from the generous store held by the people of this brave little state of Vermont.

GALVIN COOLIDGE

BECAUSE it occurred in the neighborhood of the setting of Sinclair Lewis's *It Can't Happen Here** and of my own home, because it involved the liberties of many people, and because it exposed injustice in the courts and cruelty in high places, the recent little strike of the Vermont marble workers was sometimes reported in the local press under the headline "It *Can* Happen Here." The nation's great newspapers ignored it, yet it attracted everywhere the attention of liberty-loving people, who fought it out under the banner, "The Spirit of 1776 must live in Vermont." President Coolidge's generous font was not tapped.

Even if the present writer had not been involved in questions of rights, justice, liberty, in a quarter of a century of journalistic work which has taken him from that old center of industrial strife, Pittsburgh, to the centers of class warfare, notably Berlin, Moscow, Rome, and Madrid in 1937, he could not have avoided an interest and a decision of partisanship on his springtime return to his home in Vermont, in April, 1936. Here, in a town where your neighbors are pointed out as the originals of Doremus Jessup, Lorinda Pike, and that "raging member of the Daughters of the American Revolution," Mrs. Adelaide Tarr Gimmitch, and where the creator of all these characters is the red herring of controversy, it was natural that all the talk the first night in the White Cupboard Inn should concern the Proctors and their marble workers.

Said the local representative of the *Rutland Herald*, "If you are still a good reporter you ought not to make up your mind until you hear both sides of the story. You ought to see Mr. X [mentioning the

* Mr. Lewis's next book, "The Prodigal Parents," proved that *It could happen* to him.

name of the man representing law and order]. Mr. X is a square guy.”

I agreed. We rode down to Mr. X's house but did not find him in. So to kill time I decided on a haircut. When I came into the shop the barber was just polishing off a customer, and I will take an oath that the following is the exact transcription of the conversation, since I wrote it down that very minute:

Barber (to customer, who is leaving): Well, how're things up at Proctor? (Proctor is also one of the towns of the Vermont Marble Company.)

Customer: Quiet. They've stopped picketing.

Barber: How's it going to come out?

Customer: They've broken off negotiations.

I: Who, the Proctors?

Customer: No, the men. (*Angrily*) We ought to ship the whole gang of them out, get rid of them, send them back where they belong . . .

I: But people have the right to strike, haven't they?

Customer: It's the damn reds. Coming up here to Vermont and trying to tell US how to run *our* country.

(In a fury the customer slams out of the shop.)

I: Who was that?

Barber: That's Mr. X. He's sore as hell at those liter'y folks from New York buttin' in favoring the workmen. Foreigners have no right to butt in. If the New Yorkers hadn't sent food and money the Proctors would have broke the men in no time.

After this accidental conversation it was no longer necessary for me to prove that Mr. Law-and-Order was a "square guy," impartial in the warfare between the Proctor family and their workers. But because it was on my own doorstep I continued to collect more evidence. Compared to the Chicago massacre of Memorial Day, 1937, and to a hundred or more other incidents which write the history of present unrest with the blood of violence, the Vermont Marble strike was of small importance: there was present no army of hired thugs and murderers; no striker was killed, as in the Republic Steel strike a year later; the dynamiting and the frame-ups were picayune compared to those in the battle between the S.W.O.C. and Little Steel;

the press of the nation was not aroused, as it was later by the sit-down strikes; the American Legion did not participate in strikebreaking as it did elsewhere; no chamber of commerce vigilante organizations were formed as in Johnstown; only one or two laws were violated by the agents of law and order; and the reactionary forces of the state were not mobilized to political, financial or armed action as they have been elsewhere and often.

Nevertheless, the Proctor marble strike had its significances. We are accustomed to use generalities which although not entirely factual are nevertheless enlightening, as for example, that 200 Families rule France, that 60 Families rule the United States, that the copper companies dominate Montana, that the steel corporation rules Pennsylvania, that the Du Ponts are the successors to Lord Delaware. So in Rutland it is frequently said that the Proctors own the state of Vermont. They certainly are the dominating family. Redfield, its head, was governor once, owns company towns, employs thousands, is now a director of the United States Chamber of Commerce (to whose reactionary and red-baiting activities a later chapter is devoted) and a trustee of Vassar, and somewhat of a philanthropist. "There is something terrifying," says Professor Anita Marburg, "in this combination of refinement and cold tyranny."

Among American capitalists the Proctor family is considered as belonging to the enlightened, paternal and more intelligent minority, fair and honorable employers of the old school. At least, they have always fostered that impression by subsidizing churches, building a hospital, contributing to many charities — and incidentally shutting the mouth of considerable criticism. The moment I mentioned the marble strike to anyone in Vermont the inevitable answer was, "The Proctors are good people, they are noted for their charities," and none saw any relationship between gifts of a hundred thousand dollars and — after deductions for rent, light, etc., (company services) — pay checks of twenty cents a week.*

The Proctors have always referred to "our workmen" in much the same way liberal Southerners in old times referred to "my Negroes," and it was a shock which they will never forget to have "our workmen" organize regular unions and refuse to join the company union which the Proctors tried to impose, or accept an announced

* Photostatic evidence in Rutland Strike Hearing Report, page 8.

pension plan which, the Proctors said, would make the old age of every skilled marble worker peaceful, serene, free from financial care, near heaven on earth.

Unionization was treason.

But when that short-lived Blue Eagle of happiness spread its wings over Vermont, the few industrial workers of that state saw in the N.R.A. an act of liberation and translated it immediately into a united surge toward unionization. The Proctors, like the great industrialists Weir, Taylor, Girdler, Grace, Schwab, Ford and others, were chagrined and angered. "Our workmen" were biting the hand that fed them. Precisely. Because the food was a starvation ration.

"A company that never missed a dividend and never paid a living wage" — so one of the ministers of the gospel in one of the Proctor towns referred to the Vermont Marble Company, immediately adding: "But please do not use my name. The Proctors, who control everything in this part of the state, the press, the banks, the members of the legislature, are also powerful in the church."

People were afraid to speak. (In the sharecropper zone of the deep south, in the Imperial valley at the time of the citrus strike, in Gadsden, Alabama, when union organizers arrived, in many spots always and in some occasionally, people are so terrorized they dare not speak. We read about such things in Germany and Italy, but they happen right here, too.)

Significant also was the alarm that spread throughout the state — foretaste of hysterics among big businessmen of the later sitdown strike era. Shoe manufacturers and other employers in Bellows Falls and Brattleboro expressed themselves afraid "once this unionization madness gets around in Vermont, you can't tell when it will reach us" — and then, farewell to high profits.

In Brattleboro, Florence Osborn, wife of the playwright, asked some of the leading citizens to join her at the Rutland hearings. She almost brought down a wrecked social career upon her head. Class solidarity asserted itself mightily. The business and manufacturing citizens of Brattleboro let Mrs. Osborn know they did not appreciate a "foreigner" interfering in Vermont affairs; as for themselves, they were against labor, and they could not understand someone not in the laboring class having any sympathy with it. And the preachers, doctors and other leading citizens who were asked to aid, replied,

"You don't understand. If we do, we endanger our livelihood — this is a small town, Mrs. Osborn." *

So you see, the little marble strike in Vermont brought social and economic pressures into play, in much the same manner as did the great labor conflict of 1937, which observers in both the capital and labor camps called a class conflict. On a smaller scale it is comparable to the struggle of Right and Left in France and the civil war in Spain, where the Loyalist government has united all democratic forces against the conspiracy of the landowners, the factory owners, big business, the army, and the reactionary half of the church.

The part the press plays as friend or enemy of the people cannot well be determined from the Vermont episode, since the big distant newspapers were silent. The exception was the liberal *New York Post* which saw poetic irony in the anti-New Deal decisions of a Supreme Court sitting in a building constructed of Proctor's Vermont marble. But the *Rutland Herald*, which also proclaimed itself liberal and fair to both sides, published an indignant editorial against radicals and outsiders who had given the fair green state unfavorable publicity, "and only time will tell whether or not it will prevent the Marble Company from getting all the business it should have." The questions of liberty, justice, right and wrong, were lost in the worry over business. Would that other newspapers were so honest at confession.

Significant also is the stand taken by writers, artists and other professional men, leaders of the intellectual minority. Sinclair Lewis wrote the committee of public-spirited men and women organized by Percy Shostac, that "Rutland marble workers are a truly noble group and worthy of every help"; Norman Thomas saw in the strike a denial of the right to unionize which characterizes Fascism, and Rockwell Kent likened the sufferings of the men to Washington's hardships in Valley Forge, "and their cause is just as good." The poet Archibald MacLeish wrote: "The struggle of the Vermont marble workers belongs in the great tradition of their state's history. The ancient fight for liberty and democracy which gave Vermont its integrity is now theirs. It would be fortunate if we could say that fight was ours as well." Isobel Walker Soule made it her fight. Professor Anita Marburg and Sarah Cleghorn and Rockwell Kent

* A scholarly thesis could be written to prove that civil liberties are better preserved in metropolises than in villages.

wrote and worked for the strikers. The committee which held public hearings in Rutland included poets, professors, students, clergymen, and journalists.

Finally, there is the political implication. At the time the Shostac committee was active in Rutland it was aware that almost all state and local officials were friends or lackeys or servants of the ruling family; they even suspected the governor * of owing the Proctors political tribute, and they knew that even if they had evidence it would do little good in a state so completely dominated by one political party and one industrial family. They kept on demanding that the governor obey the law which empowers him to initiate an investigation of any controversy that "seriously affects or threatens seriously to affect the public welfare," an action which would have helped the strikers or perhaps won the fight for them. But Governor Smith merely filed away petitions, straddled the issue, finally refused to take action when winter came and starvation neared. The suspicion that the governor was playing the Proctor game grew, but still there was no evidence.

After the complete defeat of the workingmen in July, 1936, a series of arrests of several persons, one a former official of the Marble Savings Bank of Rutland, occurred simultaneously with declarations that the embezzlement of a quarter of a million dollars had been written off in the two or three years between its discovery and the exposure.

Was there any relationship between the two facts: the loss of the strike, the discovery of a bank embezzlement? The press was silent. But a liberal weekly † discovered it:

"By keeping the crime a secret even for a week, the president of the bank, however pure his motives, laid himself open to legal charges; he also laid himself open to blackmail by unscrupulous persons who might know the secret. We now proceed to the two main points of this little tale. One of the most powerful trustees of the Marble Savings Bank is a vice-president of the Vermont Marble

* I made these charges of outrageous ethical behavior, if not actual corruption and violation of the law, against Governor Smith at a time he was alive and in office; although he died in the summer of 1937 I see no reason for changing the indictment.

† *The Nation*, August 29, 1936.

Company, against which the strike was waged. The president of the bank is Charles M. Smith, Governor of Vermont, who at any time in the course of the strike could have ended it with a victory for the literally starving workers of a whole community by invoking a state law which empowered the Governor to investigate on his own authority any controversy that in his opinion 'seriously affects or threatens seriously to affect the public welfare'."

The Spirit of Liberty in Vermont was held aloft falteringly in strike time by a tragically small minority of intelligent humanitarian men and women. We shall meet them again and again in all the battles for civil liberty in this country and in foreign lands. We shall also meet the counterparts of the Proctors in many states of the Union, and their banks, their chambers of commerce, their patriotic organizations, their self-styled leagues of liberty, their eternal quest for profit at the expense of human happiness. In their homes we shall find the words of Calvin Coolidge framed in gold, but in their hearts the words of that major general of national guards who advised the political authorities to give the workingmen "cold steel."

II

Naturally enough an attempt was made to find among Vermont editors interested in the marble strike, the counterpart of the fictional Doremus Jessup. Sinclair Lewis had written that "if Doremus had not come from three generations of debt-paying Vermonters he would by now have been a penniless wandering printer — and possibly less detached about the Sorrows of the Dispossessed." No such man was found in Vermont. But in Wilkes-Barre, Pennsylvania, Victor Weybright found his counterpart in Emerson Jennings — the victim of a flagrant case of injustice which also has its economic, political and social undertones and overtones.

Wilkes-Barre is a mining metropolis, writes Mr. Weybright,* with no genuine middle class, where the "best people have benevolently attempted to preserve a pleasant status quo." But recently big business has brought complications: anthracite has been threatened by other combustibles; the coal companies have used the Pennsylvania Cossacks to quell unrest; more recently, unemployment has added a problem which grew in importance when Emerson Jen-

* *The Survey*, February 1937.

nings, the Yankee pamphleteer and printer, took up the cause of the dispossessed.

Jennings in fact took up every cause. Appearing in police court one day to make a traffic complaint — he was a great respecter of law — Jennings beheld two citizens who had apparently been beaten up by the police. Jennings forgot his own complaint; he there and then constituted himself defender of the victims of police brutality, and when Judge Valentine freed the policemen on their plea of *non vult*, he began his attacks on the court.

Nevertheless, Mr. Weybright makes it clear, Doremus would not have gotten into deep trouble if he had kept clear of anthracite, the big business of the valley. In the winter of 1935, however, he helped the Anthracite Miners Union, doing their printing, and denouncing Judge Valentine for sending 29 men to jail for failure to obey an injunction against striking which the Glen Alden Coal Company had obtained from the same jurist. Jennings, denouncing this action as tyranny, alleged Valentine had denied trial by jury, then helped get 5,000 signatures to an appeal for impeachment, and took it himself to Harrisburg.

On March 28, 1935, the parked automobile belonging to Mary Valentine, daughter of the well-hated anti-labor judge, was bombed in mid-town. On August 2, Jennings was arrested for the crime. In the four separating months one Tom Lynott, alias Tom McHale or J. J. Sullivan, employee of the Rafter Detective agency at the Glen Alden Coal Company and later employee of the Luzerne County Court, had devoted his time to "trapping" Jennings. The arrest took place in McHale's hotel immediately after he had introduced a ragged stranger named "Joe."

But neither the spy nor Joe testified at the hearing. A man Jennings had never before seen who gave the name Gerald Williams suddenly declared he had been hired by Jennings to bomb Valentine's car. In October, 1936, when Jennings wanted to subpoena Gerald Williams he was not to be found. But meanwhile a county detective took the ragged Joe, who then gave the name Charles Harris, on tours of the countryside and finally obtained from him a "confession" that it was he who had been hired by Jennings to do the bombing. Then Harris also "escaped." When, accidentally, this hobo was picked up in Hornell, New York, he informed the police that the Wilkes-Barre

forces of law and order did not want him back. Asked to explain, he said that he faked a confession for the purpose of "framing" Jennings. But despite this statement the authorities of Luzerne County took the returned prisoner and made him co-defendant with Jennings.

The latter insisted on a trial. District Attorney Thomas Lewis postponed and postponed until he was out of office. His successor, Leon Schwartz, moved on March 31, 1936, to *nolle proesse*, or dismiss the case, but the court refused to take action.

The court, moreover, called upon Lewis to handle the case when Schwartz refused to prosecute. "Lewis," writes Mr. Weybright, "had been appointed special prosecutor by Attorney General Margiotti of Pennsylvania at what is said to have been the insistence of some local judges, and especially of Judge Valentine himself, who is a friend of Attorney General Margiotti."

Arthur Garfield Hays, a fighter for civil liberties, defended Jennings. He did not for a moment doubt that his client would be freed. The evidence of the prosecution was cloudy: witnesses testified to seeing Jennings and Harris near the scene of the bombing; Jennings' workmen swore he had been in the shop with them at the time. But Lawyer Hays may have felt that there was a greater weight than evidence in the scales of justice, for I note on page 35 of the summation which he has sent me, this startling paragraph:

Jennings talked himself into trouble and wrote himself into trouble. It is dangerous to attack men who hold high office, particularly if they are on the Bench. In the July 5th issue of the "Unemployed News" Jennings wrote a story attacking Judge Valentine and at the end appeared the words, "To be continued." Before another edition was published, Jennings was in jail. Jennings wrote no more articles attacking Judge Valentine. Yes, Jennings has been a thorn in the flesh of those in Wilkes-Barre who have disregarded the rights of the common man. He has been looked to as a leader by the poor and defenseless, by workingmen and by all who have sought a champion to right their wrongs. A dead reformer is a hero; a live reformer is a nuisance.

Jennings was found guilty. Many people said it was a frame-up, but approved of it because that was the only way to get rid of a "nuisance."

The "nuisance" was dangerous to the coal industry. The whole case throws light on all the present social, industrial and economic problems in America affecting common liberty.

"Never in industrial conflict in this country so far as we are aware," said the Civil Liberties Union commission investigating the reign of terrorism in Luzerne County, "have police officers so exceeded their lawful powers so systematically as within the last four months of the strike against the Glen Alden Coal Company. Men in mining districts who appeared on their porches or in front of their homes in the early hours of the morning and were, therefore, suspected of participating in peaceful picketing have been mercilessly beaten, arrested, taken to barracks, and there subjected to third-degree barbarities. We know of no other strike in which the police have attacked men, not acting in groups on a picket line, but appearing at their homes or on the streets at hours when they might approach working miners."

This indictment is signed by the following notable men in addition to Mr. Hays: Professor Holmes of Swarthmore, Professor Abrams of Pennsylvania, the Rev. Paul Heath of Wilkes-Barre and Attorney J. Russell McCormich of Scranton.

Police brutality was matched by legal cynicism. Those clubbed and imprisoned were refused counsel, refused witnesses, refused a trial, but sentenced to jail. "These are the methods," declares the commission of inquiry "of a Fascist, not a democratic state."

The police knew they were acting illegally. At times they covered the numbers of their badges with tape. The courts, favoring the coal companies, issued an injunction not only against picketing but against free speech over the radio, and finally the courts, disregarding constitutional and human rights, issued an order to the union leaders to call off the strike.

This unholy union of the moneyed citizens, state and local police, the magistrates, the courts, the "better citizens" and the industrial powers, was victorious all along the line. In fact Major Lynn G. Adams, head of the state constabulary refused to reply to the commission's charges, denounced the investigation, and told the Lion and Kiwanis clubs of Wilkes-Barre that "some men had their heads busted and I believe there will be some more." *

Emerson Jennings, the "nuisance" of Wilkes-Barre, offended

* *New Republic*, August 21, 1935.

many people by quoting Jefferson and the Bill of Rights. He said "the courts can't do that," "the police can't do that," "the company can't do that," "it's against the law," "it's against the constitution." But the upholders of the constitution, the courts, the police, the patriots, the businessmen, went ahead and did just what they wanted for their own political and financial advantage.

One or two of the few liberal-minded citizens who informed investigators that they were certain that Jennings was innocent asked that their names be withheld. They were just as frightened as the preacher in the Proctor marble town in free Vermont.

III

These are two of the thousands of human-interest stories barely noted in the human-interest-chasing press, which illustrate the present continuation of the struggle for common liberties which broke out in the first days of our national history when the reactionaries fought the Bill of Rights. They also illustrate in human terms the findings of the La Follette Committee and the annual reports of the American Civil Liberties Union, the Federal Churches of Christ in America, the Methodist Federation for Social Service, the similar committee of the New York Synod of the Presbyterian Church, the newly formed Lawyers' Guild, the Newspaper Guild, the National Committee for the Relief of Political Prisoners and other organizations whose acts, not words, prove them the real inheritors of the Jeffersonian tradition.

We must distinguish between the true and false friends of liberty. Every citizen of the United States officially is for the Constitution and the Bill of Rights; even the Nazi-Germans and Fascist-Italians shout that way, although their Fuehrer and Duce are frank enough to express publicly their disgust with democracy and liberty — with human freedom as we understand it. The Black Legion no less than the American Legion swore to uphold the Constitutional amendments.

In the 1936 political campaign even the Republican Party grew almost hysterical about the situation. "America is in peril," read its platform. "The welfare of American men and women and the future of our youth are at stake. We dedicate ourselves to the preservation of their political liberty . . . today . . . threatened by government itself."

The Democrats issued a warning: Reaching out "for the control of government itself," making "liberty no longer real," life "no longer free," is a small minority, "privileged princes of these new economic dynasties, thirsting for power," "this new industrial dictatorship," seeking in vain "to hide behind the flag and the Constitution." So said the President of the country. He too was intent upon saving liberty.

The Chamber of Commerce came out for liberty.

But when a group of attorneys, writers, educators and others asked the five political parties "to make at least one public pronouncement on the issues which constitute the heart of the struggle to maintain democratic liberties in the United States," to refrain from meaningless generalities, but to include civil liberties planks in their platforms, they were rewarded by the major parties with silence and inaction.

How important and useful such action would have been was illustrated in the preliminary report of the La Follette Committee which officially proved that big business in America was frequently lawless, that the rights and liberties of the biggest stratum of American society, labor, were frequently violated, that big business violated the Constitution and used the flag for financial purposes, and that numerous paragraphs of the Bill of Rights, especially those guaranteeing free speech and free assembly, were violated everywhere. Bloodshed, terrorism, frequently death and always intimidation, marked the war on labor waged by money, power, big business. Liberty was a joke to the captains of industry and their armies of thugs; and existing laws were simply handicaps which could always be overcome with a little more money, a little more violence.

"Espionage," said the report * "has become the habit of American management. Until it is stamped out the rights of labor to organize, freedom of speech, freedom of assembly will be meaningless phrases." And furthermore,

*It is being developed that employer and (spy) agency have two separate interests in violence. The agency's interest in violence, and by that same token that of the strikebreaker's, is that it will prolong and embitter the fight so that a stronger guard will be called out and more money expended through the agency. The employer's interest

* Senate. 75th Congress. 1st session. Report 46. Violations of Free Speech and the Rights of Labor. Preliminary Report (pursuant to S. Res. 266, 74th Cong.).

in violence is that it shall, by being attributed to the workers, bring discredit to them, thus alienating public sympathy for their cause. . . . Violence is provoked in order to obtain an injunction against the strikers.

(The next time the *Los Angeles Times*, the *Chicago Tribune*, the *New York Times* or a thousand smaller newspapers tell you that the strikers initiate violence, show them this report. A hundred years of investigation shows that violence — eighty or ninety per cent of it, or more — is provoked, initiated and paid for by American business men — the better citizens, the pillars of church and chamber of commerce and incidentally the advertisers in the newspapers.)

“Only one side is armed. Workers do not buy either armaments or gas.

“Your committee has discovered so far little more than the basis of a colossal, daily drive in every part of the country to frustrate enunciated labor policy and to neutralize American labor laws.”

(The press says labor violates the law. The Senate committee proves that business violates the law. The press says that labor starts violence. The committee proves that business starts violence. The press, blaming law violation, violence, disregard for human rights and the public welfare, on the working men instead of those really guilty, thereby creates that public opinion which breaks strikes, keeps labor poor and terrorized, continues the miserable system of unrest and hatred. Whereupon the press congratulates “public opinion” on its victory.)

The findings of the La Follette Committee, a great shock to organized and unorganized labor, were not news to hundreds of the greatest corporations * of America which are the employers of the armies of violence. The reports, however, officially confirmed the annual statements of the various lay and church organizations previously mentioned, and also served to prove that the numerous so-called patriotic and business groups which today as in the past shout “Red” at any democratic movement on the side of labor, are themselves the vicious law-breaking element in our society.

* In January, 1938, the Committee published a list of 2,500 firms, a “blue book of American industry,” who had been caught employing spies, thugs, men with criminal records, including murder. The list included several of our biggest and most respected newspapers.

The greater part of the present and recent reports of the American Civil Liberties Union (leading and most reviled of the non-partisan organizations devoting themselves to eternal vigilance) is devoted to the subject of big business versus labor, but the attacks on free speech, the theater, the moving pictures, the right of asylum, books, painting, academic freedom, are also noted. From pre-revolutionary times to now the moral crusade against the liberty of others has waxed and waned but never ended. However, this volume concerns itself chiefly with the economic onslaught.

Obvious from all investigations and reports is the definite relationship between hard times and the attack on liberty. In 1929 and 1930 there were more cases of violation of civil rights than at any time since the (illegal) Espionage Act which throttled all of them during our World War. As times grew worse during the Hoover administration, attacks on the liberties of workingmen, strikers, Negroes, and all labeled radicals increased with the same intensity of suffering and injustice as the Great Depression. With the advent of Roosevelt II there was a temporary let-up in violence and repression and a tidal wave of optimism engulfed labor. The New Deal legislation was grasped by wage earners as the first bill of labor rights in the history of our country. Collective bargaining, higher wages, economic security seemed in sight, the world seemed safe for economic democracy.

Between the summer of 1934 and the midsummer of 1935, a great change came over the struggle for the maintenance of civil liberties. It was largely the old conflict between capital and labor, but with capital taking the offensive after a full year of suspiciously humanitarian dealings.

In minor engagements the national administration seemed to be on the side of the employees. Whenever some small business man attacked labor, the government severely brought him to court. But when the large employers, organized, rich, the controllers of the two main political parties and their press, determined to smash the new aspirations of labor, the administration, still pretending to be on the side of the underdog, openly aligned itself with the wolves and lions. In the San Francisco general strike this attitude was given national recognition. In the surrender of the President and the administration to the employers in the case of the dismissal of a Hearst writer and in

Newspaper Guild dealings, the actions were still more significant.

The decisive event in the hysterical reaction of 1934 was the San Francisco general strike, when the men of means and men of property, ever alert to safeguard wealth at the cost of human progress — and Mr. Hearst's name led all the rest — united for the purpose of destroying or weakening organized labor throughout the country. For this purpose the best weapon was found to be the one which had always worked successfully, both at home and abroad. The San Francisco general strike was led by the conservative American Federation of Labor, whose leaders themselves are red-baiters. Few communists could have participated. The press was well aware of this fact. But to arouse the unthinking emotion of the masses, to inflame hatred, create a delirium which would drive the Lumpen-proletariat into the camp of the Lumpen-employers, the red scare in this instance was magnified into an impending revolution. Rarely if ever in our history had the press of a big city so completely perverted itself as in San Francisco. And the result was not only the (temporary) defeat of labor's progress in California, but nationwide movements against labor, liberals, radicals, minorities, non-conformists.

In San Francisco itself, after the government's representative, General Hugh Johnson, had sided with money against labor, and the press had inflamed the Lumpen-patriots, there was an outburst of vigilante terrorism which had not been experienced for a decade. The forces of law and order did nothing to prevent a reign of terror.

Neither federal forces nor local police nor militia that year did anything to check vigilante, employer violence and lawlessness in the Imperial Valley in California, in the onion fields of Hardin County in Ohio, in the vegetable gardens of southern New Jersey, or among the cotton workers and the sharecroppers in the southern states.

Said the American Civil Liberties Union report for this period:

“Describing local agencies of repression and attacks upon minority movements, our correspondents credited the American Legion with taking the lead in this patriotic job. Local Chambers of Commerce came second but quite a way behind; the D.A.R. pulled up third; with the Hearst press and the Elks making only a fairly respectable showing.”

Midsummer, 1936, with a definite trend upward in business, industry, stocks and popular optimism, it was possible to say that we

were leaving the depression behind and to expect that with better times would come a restoration of civil liberties, a let-up of repression. This did not happen. The attack by the Tories, economic royalists, and their patriotic and commercial agents continued and gave evidence soon to be confirmed in the national election, that it was the Right, not the radical Left, which was pressing the issues of class war in America.

Although the number of instances of serious violations of liberty decreased in 1936, the intimidation of the wage-earning classes increased. The Liberties Union found that "the atmosphere created by the hysterical attacks of extreme reaction led by the Hearst press on all progressive and liberal movements as 'agents of Moscow' makes headway for labor and radical movements more difficult. Despite the absurdity of the reactionary barrage against all reform measures, from those of the New Deal to the child labor amendment, as Communist manoeuvres, the red scare still works."

Whereas in 1934 troops were called out to break labor (in the guise of preserving law and order) in twenty-four instances, they were used only nineteen times in the following year; but in 1935 there was considerable violence, resulting in the murder of thirty strikers by the armed forces.

In 1935 (the 1936 Liberties Union Report shows) there were about 18,000 arrests of workingmen and women in petty cases of picketing, parading, demonstrating, distributing literature, etc., almost every one a violation of the civil liberty guaranteed under the Constitution.

The June, 1936, report of the same organization mentions the recrudescence of the 1920 Ku Klux Klan now transformed into a red-baiting society. Its blood brother, the Black Legion of Michigan, was thoroughly discredited after several cases of murder had been traced to it. "A widespread tendency to terrorism, directed particularly against radicals and minority religious and racial groups," is reported by the Union. It joins the Federal Churches of Christ bulletin in affirming that the year shows increased pressures against freedom in the schools: "The reactionary propaganda of the Hearst press and of the professional organizations . . . intimidated thousands of teachers."

As to which pressure group is the worst enemy of liberty, the American Legion or the Chamber of Commerce, the evidence of

twenty-nine of the eighty-nine correspondents of the Union placed the Legion first, the Chamber second, that year. "The next two most active agencies of repression reported were the D.A.R. and the Hearst press. Professional patriotic societies, assorted red-baiters, and the Klan, Law and Order Leagues and foreign-born Nazi and Italian Fascists brought up the rear." (All of these anti-libertarian organizations and movements will be discussed in separate chapters and the evidence which the Union has assembled and permitted me to study, will be given in part.)

In 1937, a new force joined the leaders of repression and intolerance. The June report, although encouraging, notes that the red-baiting campaign is increasing, that the red label is pasted on all kinds of progressive movements. Chief offenders are the American Legion, *the Catholic Church*, Chambers of Commerce, the D.A.R., Klan and Nazi agencies, and, of course, reactionary employers. This is the first mention of the Catholic Church, itself persecuted in the past and present. The Ku Klux Klan is resurgent. The rest are hardy perennials.

A survey of civil liberties published in 1936 by the research department of the Federal Council of the Churches of Christ in America states unqualifiedly that "during recent years events have indicated that vigorous efforts are being made by various organizations and certain newspapers to curtail civil liberties. These organizations frequently try to convey the impression that they are acting in the role of protectors of civil liberties. They assume that their definition of patriotism is the only true one, even if it involves denial of free speech, free press and freedom of assemblage. By their red-baiting campaigns they try to establish the belief that our institutions are seriously threatened not only by left-wing elements but also by liberals.

"In these efforts they have been greatly aided by certain newspapers, particularly the Hearst press, although many other newspapers have been quick to see the threat to freedom of the press and have joined with those who seek to maintain civil liberties. The most recent efforts have been concentrated on obtaining federal and state laws requiring teachers and students to take oaths of loyalty; to punish 'subversive activities' (however they may be defined), sedition, and insurrection; to exclude communist publications from the

mails and to take the Communist Party off the ballot; to make the deportation laws more stringent; to make criminal any incitement to disaffection among soldiers and sailors; and to reestablish a federal secret police devoted to spying on left wingers."

The Federal Churches' report names the organizations whose actions threaten academic freedom as: the D.A.R., American Legion, Elks, Chambers of Commerce, the Hearst press — a list which tallies with that of the Liberties Union.

The Methodist Federation for Social Service, Bishop Francis J. McConnell, president, went a sensational step further in naming names when it called upon ministers and laymen, the churches, the Epworth Leagues, Sunday schools, bona fide patriotic organizations to mobilize against Fascist tendencies "such as are represented by Father Coughlin, Huey Long, William Randolph Hearst, Elks Lodges, the United States Chamber of Commerce, and so-called patriotic organizations." * Concerning the numerous repressive laws annually introduced in state legislatures and in Congress, Dr. Harry F. Ward of the Union Theological Seminary and member of the Methodist Federation executive committee made a statement of immense importance. "If American citizens let these laws pass," he declared, "they will wake up to find they have lost all the freedom guaranteed by the Constitution. If the Communists are denied their constitutional rights, we shall soon see the order of events that was followed in Europe. First the Communists are repressed; then the Socialists, then the labor unions, then the others." (Later we shall see how the red-baiters have widened their attack from Communists to labor unions and to all liberals.)

The Federation's January, 1936, survey entitled *Force and Violence* shows how terror, force and violence in depression time deprive many people of their constitutional liberties, revealing "a dangerous growth of Fascist methods used by big business and professional patriots. . . . At least 73 workers, sharecroppers and Negroes were killed in economic struggles and lynchings during the year; no employers. What are the religious people who know that violence is wrong, going to do about this?"

The third religious group defending civil liberties, the Presbyterian committee, reported that "all denials of the rights to free assembly

* *New York Times*, February 11, 1935.

and expression are straws in the wind pointing to the danger of the triumph of dictator philosophy." It condemned teachers' oaths and the denial of free speech to the Communist presidential candidate in Terre Haute, Indiana.

The libertarian forces are small but important in a time when the fight between capital and labor is no longer clouded in euphemism. Even today orators repeat that ancient falsehood: the interests of capital and labor are one. They are not. They are at war. There can be stalemate and armistice, even peace for a time, but the struggle grows more open, more intelligent, and sharper and more bitter. It affects not only employee and employers, but the few who come outside those terms; it affects us all. Victories and defeats in the violent present; red-baiting marking the emergence of the powerful industrial unionization campaign; the new vigilante movement from Pennsylvania; the Chicago climax in the historical record of the police versus the public, now recorded in picture and sound and testimony, the lawlessness of the forces of the law, the fraudulent patriotism of the professional patriots, the fight of the profit-seeking newspaper publishers against socially conscious newspaper writers, the arrogant defiance by the economic royalists of new social laws — all these events and movements are like parachute lights on the field of battle, showing up, sometimes gloriously, sometimes with ghastly definitiveness, the trench raids of the greater conflict between Reaction and Democracy.

Chapter 3. LAWLESS ENFORCERS OF THE LAW

There is no Constitution in the police station. Jersey City is not a part of the United States. — Jersey City police lieutenant (N. Y. Post, July 27, 1936)

“There’s plenty of law at the end of a night stick.

GROVER A. WHALEN
(as New York City
Police Commissioner)

HISTORICALLY and conventionally, when rights guaranteed by the Constitution and generally accepted under the common law are infringed or denied, the victims belong to the minority. One cannot imagine the Republican or the Democratic Party, for instance, being denied representation in any state through the methods of chicanery which frequently keep minority parties off a ballot. Negro Republicans are denied their constitutional right to vote in the Deep South but the Republican Party operates there just as freely as the Democratic Party in Vermont, although what each has to say in its respective zone matters very little. It is the new, the “radical,” the small, the minority political party or group which always suffers at the hands of lawless enforcers of the law.

Nevertheless there is one group so large that despite its heterogeneity it must be called the majority, which throughout the dark pages of the history of the United States has always been the victim of intimidation, terrorization, violence, massacre and the almost daily denial of rights and liberties. This majority consists of between thirty-nine and forty-nine million adult Americans. It is the working class. It is organized and unorganized labor.

The working people of the United States — that is, everyone from unskilled manual laborers in the ditches to playwrights in solid gold offices in Hollywood — have generally been the victims of that minority known as the ruling families and their politicians, who, through their two holding companies, the Republican and the Democratic Parties, control the judiciary, legislative and executive branches of government and have at their disposal the armed forces of the

state. The long history of the growth of the labor movement — from the time of slavery and indenture, from the early times when a labor union was believed “subversive” and when any orderly strike was called “revolution,” to the present day when the same enslaving interests are making the same charges — has been told in many volumes and recently illustrated in “Labor’s Challenge” (*Photo-History*, No. 2) where the reader will find the graphic illustration of the bloody and murderous record.

Here the recent story of the violation of the liberties of the working class majority in America will be considered under the following headings:

1. Lawless Enforcers of the Law.
2. Lawless Judges and Other High Officials.
3. Terrorism and Violence by Big Business.

Almost all the violence which stains the history of organized labor’s struggle in America follows the use of the chief weapon of desperate people: the strike. Thanks to the press, a component part of big business, a national myth has been created which places violence on the doorstep of labor, whereas just the opposite is true, as we shall see later. Before another word is said, however, it is perhaps necessary to inform the successors of the late Judge Gary, the present industrialists of the American Liberty League, the Johnstown Citizens Committee, Messrs. Hearst and Sokolsky, the Associated Press and the vigilante organizations that the right to organize and to go on strike, although not mentioned in the Constitution (since there was no industrial problem in colonial days), has been upheld by all our courts. “For 160 years,” says the National Labor Relations Board, “ever since the printers first struck in New York in 1776, America has accepted the strike as a legal means for workers to bring pressure for better wages and hours, and the lock-out as the employer’s method of resisting their demands.”

Naturally the Liberty Leaguers will scoff at any N.L.R.B. statements; well, here is a decision of Chief Justice Taft of the Supreme Court: “Union was essential to give laborers opportunity to deal on terms of equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withhold-

ing their labor of economic value to make him pay what they thought it was worth." * And again, Justice Taft decided that: "The right to combine for such a lawful purpose has in many years not been denied in any court." The New York Circuit Court of Appeals, June 16, 1936, in the case against the Associated Press which was accused of firing men for joining the Newspaper Guild, ruled that "the right of employees to organize has been recognized and accepted. When employers attempt to destroy this right and disregard the representatives chosen by their employees, the strike is the natural and common method of employees to force recognition."

And since the devil is accustomed to quoting scripture, and reactionaries distort the expressions of all the great liberals who founded and preserved the United States, here is the exact view expressed by Abraham Lincoln on the same subject: "I am glad," he told the people of New Haven, Connecticut, on March 6, 1860, "to see that a system of labor prevails in New England under which laborers can strike when they want to, where they are not obliged to work under all circumstances."

Surely it must be the knowledge that the people of the United States, sewer diggers and dramatists alike, have the right to organize unions and to go on strike for better wages and living conditions that has driven the employers of American labor to the use of secret armies, spies, gunmen, murderers, to poison gas, machine guns, company unions, and other means of terrorism. Otherwise they could have asked the Supreme Court to make a final decision outlawing unions and outlawing strikes.

The right to unionize and to strike is called "the fundamental cause of much of the trouble" in El Centro, California, by General Pelham Glassford, who made an investigation of the "lawlessness by law officials," following the murder of two strikers there by hired gunmen. Yet the majority of newspapers, which throughout the 1936-38 labor wars sided with the steel, automobile, rubber and other heavy industries (whose heavy advertisements they carried), did not inform the American public of the "armed rebellion on the Right," or of the fact that violence usually comes from that direction. It was the liberal Washington correspondent, Paul Y. Anderson who confirmed the fact that business, not labor, initiates violence. "For several months,"

* *American Steel Foundries v. Tri-City Central Trades Council*, 257 U. S. 184.

wrote Mr. Anderson, "an important section of American industry, led by the Republic Steel Corporation, has been in a state of open, armed rebellion against the authority of the United States government as expressed in the Wagner Act, and its mercenaries have inflicted heavy casualties in dead, wounded and captured, without suffering any appreciable losses. . . .

"The commission of mass murder in certain localities of the United States has become bolder, safer, and more systematically organized . . . than at any period since Al Capone, Dion O'Banion, the Genna brothers and Bugs Moran made Chicago their private battleground. The two periods are alike in one respect, that the motive was profit. But whereas the police were merely corrupt and quiescent while the gangsters were killing one another, they are now doing the killing themselves; and whereas all sides in the gang war were well armed, the police victims have all been unarmed workingmen or innocent bystanders."*

One of the most brutal instances of mass murder in the nation's history is the Memorial Day Massacre at the Republic Steel plant in Chicago in 1937. The facts in this case are well known now, thanks to the La Follette Civil Liberties report and to the Paramount film which not only provided irrefutable evidence but exposed the falsehoods of Chicago officialdom and a large part of the press. One has but to compare the Senate testimony and the motion picture with the newspaper reports of the time to realize how biased and unfair certain newspapers are in presenting labor news. Curiously enough, newspaper men covering the march which was turned by Chicago police into a series of murders were among the best witnesses before the La Follette committee, their testimony giving the lie direct to their own newspapers and to the police captains who repeated the old falsehoods about the strikers being "reds" and armed, and "starting violence."

Before the committee went into action and public demand freed the Paramount film from company censorship and police prohibitions in many cities, the newspapers were able to fool a large part of the public. Their first reports were the police reports — the usual lies blaming strikers and pickets for initiating violence, presenting the usual alibi of self-defense for the forces of law and order — and mur-

* *Nation*, August 7, 1937.

der. The *Chicago Tribune* praised the police force for protecting "life and property, the business with which it is entrusted by the community." This notorious labor-hating newspaper continually attacked the Committee for Industrial Organization, especially its contribution to the Democratic Party campaign fund; it denounced John L. Lewis and other leaders because it suspected that they "have come to believe that, having paid their money, they need no longer respect the rights of anyone, whether employer, worker, bystander, or property owner." The *Tribune* said that "Chicagoans can take pride in the fact that in this jurisdiction the law is not for sale, the rights of citizens are safeguarded, and the police recognize that their primary duty is to preserve the peace." The *Tribune's* famous cartoonist, McCutcheon, drew a picture of two men playing cards, one a strike director, the other a policeman. On the table is a paper reading "Battle between steel strikers and Chicago police, 5 dead, 90 wounded." The policeman holds two cards: 1. The duty to maintain law and order; 2, the legal right to use force in protecting property. The strike director also holds two cards: 1, armed rioting against forces of law and order; 2, mob violence. And the policeman says: "Will he NEVER learn that he CAN'T WIN if he plays those cards?"

This was the sort of buncombe the *Chicago Tribune* gave its million readers at the time the entire reactionary press tried to make of a police massacre a noble defense of law, order and big property. But almost every press apology for murder was proven to be false when the official report and the news films were given to the public. The verdict proved that:

1. The police charge that the workers intended storming the Republic plant was groundless.

2. The police had no authority to limit the number of pickets.

3. The workers used no guns or physical violence. They did shout and some stones were thrown from the rear *after* the gas attack was made by the police, but there was no cause given for the use of either gas or guns.

4. Many workers were shot in the back — after they had begun to disperse.

5. The brutality of the police was worse than that charged to Huns in the World War, especially in the treatment of wounded.

6. Police officials lied both at the time of the massacre and in the

Washington hearings. The La Follette report states frequently that "the evidence refutes the police charge."

7. The police charge that reds or communists were inspiring or leading the workmen was proven false.

8. The official report lays the blame for the massacre upon the police in its statement that "we conclude that the consequences of the Memorial Day encounter were clearly avoidable by the police."

Thus the statement of John L. Lewis that the ten victims of the Memorial Day strike "were deliberately murdered in cold blood by the Chicago Police Department as a friendly favor to the Republic Steel Company," is proved a more reasonable statement than the *Chicago Tribune's* hypocrisy about preserving property. And to Mr. Anderson, head of the Washington Bureau of the *St. Louis Post-Dispatch*, goes the credit for a description of the Paramount news film which was so sensational that it dragged national public opinion out of the ditch of indifference where it had been drugged by newspapers of the *Tribune* class. "The press generally gave the impression that the killings occurred only after the police had been attacked deliberately by the C.I.O.," commented the *New York Post*. "Since eighty per cent of the newspapers seem anxious to distort such news to the detriment of labor they might have succeeded in persuading public opinion to that view but for the existence of a newsreel which shows just what happened. . . . The Tom Girdler policies are already responsible for nine deaths of strikers in Chicago. . . . Lawlessness . . . starts from the top."

The labor movement in New York is stronger than that in Chicago, there is a powerful liberal-radical-labor-progressive coalition and very fortunately one liberal and one semi-liberal evening newspaper and several small but powerful liberal weeklies which are eternally vigilant. Police brutality is immediately noted and injustice at the hands of the executors of justice is quickly brought to light. Nevertheless instances of police lawlessness in the nation's metropolis are quite frequent.

In 1934, Major General O'Ryan was police commissioner. He had previously commanded the National Guard, and at the time of the strike of the workers in Andrew Mellon's aluminum factories the brave guardsmen had murdered a strike leader, raided homes, engaged in illegal searches and arrested one hundred persons, the ma-

majority of them illegally. When the strike was over the Mellon organization gratefully presented every guardsman active in it with a set of aluminum utensils, but even when the facts of this small but usual corruption were exposed, Major General O'Ryan denied "the charge . . . not infrequently made, that National Guard troops are used in labor controversies in the interests of employers and against employees." Nevertheless the brave boys had to return their aluminum, and for a while their terrorism and brutality were unrewarded materially.

In 1934, New York City witnessed numerous parades, demonstrations, riots, scenes of violence and bloodshed. O'Ryan blamed everything on the reds. In all the battles in which the police engaged he declared they were merely defending themselves, but in their enthusiasm the police made several mistakes, because among the usual innocent bystanders slugged and bloodied were newspaper reporters covering the story. Criticism of the police followed. Commissioner O'Ryan then defined his position. "There is no question in my mind," he wrote to Welfare Commissioner William Hodson, "concerning the forbearance of the police during the last five or six months under what has amounted at times to extreme provocation. . . . We have already placed on trial several policemen for failure to use all the force at their disposal and necessary for the purpose of suppressing violence, and charges will be prepared against any officer of the department who fails to act promptly and effectively in such instances, including the protection of their own persons."

This appeal to violence was promptly answered by the police. The following incident is a typical example of police lawlessness and denial of the common and constitutional rights of citizens, and is given verbatim as it appeared in a conservative newspaper.* It deals with the aftermath of a police court hearing following one of the many labor riots in which O'Ryan's bravos engaged:

With smooth precision, thirty policemen who had been hidden in rooms adjoining the courtroom, drove the spectators down the stairs and into White street. On the sidewalk Lechay and his wife failed to move as rapidly as one patrolman thought they should.

With a shove between the shoulders which sent the woman

* *New York Daily News*, May 27, 1934.

sprawling on her face, the patrolman launched his attack.

"Let us alone," shouted the man, "we're going."

The two stumbled down into the street, obviously trying to obey the order to move on. The patrolman, with a comrade at his heels, pursued.

Just as the couple reached the opposite curb, the patrolman struck the woman on the head with his fist, knocking her into the gutter while his comrade pushed her husband on top of her.

Caught between two closely parked cars, the couple, struggling to rise, were the targets for a rain of blows and kicks.

Lechay and his wife managed to regain their feet and started to flee down White street toward Center street. They made only a few yards before the infuriated police flung themselves upon the hapless pair.

As the woman lay on the sidewalk, seeking to protect herself from the blows and moaning at each fresh assault, her husband screamed: "My God, she's my wife. Let her alone!"

Knocking down her husband, the cops went to work in real earnest. Kick after kick landed in the ribs of both the man and woman. They dragged Lechay to his knees and threw him down again. The fists of one patrolman beat a tattoo upon the woman's head.

It was then that the reporters, gathered upon the stairs across the street, set up their cry of protest. For answer, the two policemen seized the woman and, twisting her arms behind her back, dragged her back across the street.

Lechay, momentarily free, ran after his wife, still crying: "For God's sake stop it! She's my wife!"

Other policemen seized him and beat him while the two who held his fainting wife slapped her face with their free hands until she collapsed.

Two reporters, at this point, leaped from the steps to report the cruelty to superior officers. The police then seemed to realize they had overstepped all bounds.

The police carried Lechay and his wife to the complaint room and a few minutes later they were arraigned.

There are scores of similar brutalities in the police record under O'Ryan. That whole summer and autumn, liberal-minded persons

argued with the General about civil liberties, but without success, because seemingly in the commissioner's military mind there was no room for comprehension. O'Ryan's was the battlefield mentality, excellent in time of war when all our liberties have already died, when there is no time for reason, when the order to shoot for disobedience is lightly given and when everything moves to dictatorial order or is immediately crushed. To the military mind the majority of the population and popular rights and popular opinion mean nothing. Reliance is placed upon weapons. O'Ryan established a rifle squad of a thousand policemen, and during his reign an order was issued requiring labor unions to obtain identification papers for their representatives in order "to eliminate racketeers," as officials put it. O'Ryan was a red-baiter; he also made a statement in which he referred to "the Communists and other vicious elements of the city," and on another occasion proved his understanding of the Bill of Rights by saying that "I don't believe in times of emergency in letting crowds collect." But that is exactly what his duty was and he had taken an oath to let crowds collect and to protect them if they were peaceful, orderly, and constitutional.

The General's friend who had once editorially welcomed his nomination as police commissioner, Mr. Oswald Garrison Villard, had to call O'Ryan's attention to the fact that no matter if it were true that communists led the demonstrations which the police broke up, communists form a legal political party with the same rights and privileges as Republicans and Democrats, "that the bulk of them are law-abiding, and that all of them are legally entitled to the opinions that they hold . . . General O'Ryan could hardly commit a more serious crime against the American spirit of the Declaration of Independence and the American Constitution, than to join in the hue and cry against a political opinion, a state of mind. Right here we have, as I have often stated, a chief cause of the lawlessness of America . . . the lawlessness of the public official, his utter failure to understand and to recognize the rights of minorities, however unpopular, and above all the rights of the striking workingman. . . . The truth is that under General O'Ryan there was a lot of police brutality in New York, notably in the so-called Harlem riots, where the police exceeded their powers and authority and were guilty of outrageous attacks upon innocent persons. . . . It is high time that he went."

General O’Ryan went. Inspector Valentine then swore to uphold the Constitution, the Bill of Rights, laws, charters, and all other documents which guarantee our reasonable individual and collective liberty. His first statement, “Red-baiting is out,” was of course an admission that when red-baiting had been in, during his predecessor’s term, the police had been lawless. But the red cry was soon heard in the land and unfortunately for the new Commissioner his guardians of the law also blundered in their selection of victims. O’Ryan police had beaten up reporters; Valentine clubbers mistook Republican Congressman Vito Marcantonio for a plain “labor agitator” and beat him up. The result was the front page and embarrassment. Commissioner Valentine ordered the congressman and all others arrested with him freed, saying, “We are not going to permit these men to martyrize themselves in order to gain cheap publicity,” a statement as prejudiced as it is irrelevant. It certainly had no bearing on the issue of civil rights which was in question. The simple fact is that the police had issued two permits for two meetings, then clubbed those who proposed going from one meeting to the other and those who did not march but walked in the usual manner of citizens on the sidewalk. The police action therefore questioned the right to free speech and the right to assemble. Moreover, Commissioner Valentine that day inaugurated something new in police procedure in America: he placed a number of persons in what he called “protective custody.” He had perhaps been reading up on the police methods inaugurated by Mussolini and improved considerably by Dollfuss and Hitler. The *Tory Sun* headlined the affair, “Marcantonio defies police in leading radical march,” and the “bloody noses handed out” by the Valentine boys was heartily approved by Percy C. Magnus, president of the Board of Trade, as “the best guarantees of national defense.”

Despite these accolades Valentine had the misfortune again to make the front pages of the metropolitan press when his men, either through arrogance or stupidity, failed to take a newspaper man into account when they proceeded with a brutal beating of an innocent citizen.

The American mob, we all know, is intolerant, and while shouting for fair play, never permits fair play, as does the British mob which makes every national and by-election a vivid, enlightening, amusing

and dramatic event. Democrats brave enough to heckle a Republican at a Republican meeting would probably be mobbed in America and vice versa, whereas heckling is as British as the London fogs. It is therefore the duty of police, in their idealistic service of preserving law and order, to protect any naive citizen who might feel the urge to exercise his right of free speech at a place where the majority might be of an opposite opinion.

No one in America defends the Third Degree system publicly. Nevertheless, in private, almost all officials of the police departments of our big cities declare it the only method of dealing with certain criminals. The fact that innocent men suffer is called pure sentimentalism by men of the law. Third Degree terrorism is the rule in the United States, the exceptions being a few cities which have liberal or socialist mayors. The system prevails despite the decision of Chief Justice Hughes in the case of Yank Ellington, Ed Brown and Henry Shields, three Negroes accused of murdering a white man; they confessed the crime when they were strung up and whipped. Chief Justice Hughes ordered the conviction for murder obtained by these methods set aside as illegal.

Recently in New York a boy named Parmigiani was tortured in a police station basement by police who were convinced he was implicated in robberies. His wrists were tied to steam pipes and he was held screaming, "You're killing me — I'm dying, I'm dying," while the police, like so many flagellators and sadists, stood around and laughed. Lieutenant Albert Jenner, according to testimony later given, said "Let him hang," when the boy cried he had nothing to confess. The charges against Parmigiani collapsed, he was freed, and after being treated in a hospital three months and having skin grafted on his horribly lacerated wrists, he appeared as chief witness against Lieutenant Jenner and Detectives William Walsh and John Moran.

"Show the jury your wrist," his attorney directed the youth.

"Stop," shouted County Judge Brancato, "I won't allow a trial in my court to be conducted by inflaming the minds of the jury."

The suggestion that Mayor La Guardia and the Bar Association do something fell on barren ears. But Samuel Paul Puner, legislative counsel, New York Civil Liberties Committee, reports that legislation had been drafted by the National Committee on the Third

Degree and sponsored in two bills introduced in the New York legislature by Assemblyman Aaron Goldstein of Brooklyn; these sought to eliminate the taking of prisoners to police stations before bringing them before a magistrate for arraignment, thus forcing the police to gather evidence in advance rather than hope for confession through torture; they also provided an immediate physical examination and a complete record of all interrogation periods and dates and hours of arrest, time of delivery, time of arraignment, etc., so that the prisoner's whereabouts would be strictly accounted for.

These bills were endorsed by the Bar Association of the City of New York but killed in committee because the police departments throughout the State of New York did not want brutality and illegality abolished, and brought tremendous pressure to bear in favor of continuing the Third Degree. And yet, says Attorney Puner, the finding of the National Committee on Law Observance and Enforcement, which was published five years earlier, showed the extent of the use of torture in the state and "painted an appalling picture."

This record of police brutality in violating the rights of citizens could be continued into one or more volumes each year since the Law Observance report was written, but I will mention only one more New York instance because it is the confession of Police Commissioner Valentine, headlined in the press of August 28, 1936, as "Police Brutal Valentine Admits." The admission was made for no humanitarian reason, but because it served a purpose in a very important law suit. The district attorney, Geoghan, was involved in a political battle resulting from the Drukman murder case, and the physical condition of a witness, named Hull, became an important matter at the time an effort was made to reopen that case. Geoghan testified that "the police in their zest in beating up Hull, giving him six fractured ribs and sending him to the hospital were weakening my own case." Valentine, corroborating Geoghan, admitted that the police had committed "an atrocious crime," and had actually supplied an alibi to the murderers.

The record in other cities is different only in episode, not in the fundamental character of police illegality. For example, the Chicago police on August 31, 1935, decided for no reason at all except perhaps to please Italian Fascists, to break up a meeting at 47th Street and Prairie avenue which was protesting Mussolini's attack on

Ethiopia. Policemen picked up every white man within four or five blocks of the meeting center, invading drugstores, dragging persons from soda fountains, and taking all white customers out of the nearby five-and-ten-cent store. A woman waiting for a bus was placed in a Black Maria. Asked why he was taking them to jail the policeman told one of the fellow riders, "Because you are white, and a white man has no business in this colored neighborhood." This white man, George Martin, testified that at the police station an officer stood just outside the door punching each man in the spine with his club. Those who tried to dodge the blow were socked by the officer who stood just inside the door. The police laughed over each blow. Four hundred men were arrested and beaten up. Many were bloody. The short men were bloodied on the head. Forty-eight were put in each cell, so that none could lie or sit. They stood up from 3:30 to 10:30 P.M. None was permitted to telephone relatives or a lawyer. At five an officer took a detective to each cell and said, "Look at the Jewish bastards, look at the faces of those Jewish sons of bitches." Almost all the prisoners were Gentiles, but the Nazi policemen on the Chicago force took this method of stirring up as much race hatred as possible. There was of course no case against any one of the four hundred men and they were released after having been assaulted and insulted by the police.

There are four forms of "punitive police work," Ernest Jerome Hopkins points out in *Our Lawless Police*: * beating of arrested men; slugging, beating and shooting of individuals or groups in the street; secret punishment in station houses; and "the more unbridled forms of the third degree." Mr. Hopkins' important and valuable volume concludes rather pessimistically that "the policeman has usurped in amazing degree, the power to punish; and that without the formality of trial and conviction, often without the formality even of arrest. Embedded in our national mores is the subversive idea that because a man wears the star of authority, he thereby enjoys some sort of general disciplinary control over the population. It is an old, and a peculiarly American, fallacy; on duty or not, the citizen in uniform has no power to punish other citizens; for him to do so is as definitely 'against the law' as it is for you to punish your neighbor. Only the courts of law may punish, and their right is definitely re-

* *Our Lawless Police* by Ernest Jerome Hopkins, Viking, 1931.

stricted. Our government itself may not use fist, club, blackjack, or revolver as penalties for even the worst of crimes. Our constables, agents of government, long ago arrogated to themselves this extraordinary privilege, and our public today hardly realizes what it implies. It is an invasion of the most fundamental right that can be granted by any government to its people: the right of personal or bodily safety."

Many years ago Dean Pound in the Harvard Law Review used the expression "the lawless enforcement of the law." The Wickersham Commission report, the National Bar Association, the Los Angeles Committee on Constitutional Rights, and scores of others have made recommendations and passed resolutions. But the police, national guard, militia and constabulary retain first place in the list of those who violate the law in order to curtail our liberties. In recent distressful times this illegal and violent activity has increased.

Chapter 4. LAW VERSUS LIBERTY

Laws are always useful to those who own, and injurious to those who do not. . . . Laws gave the weak new burdens, and the strong new powers; they irretrievably destroyed natural freedom, established in perpetuity the law of property and inequality, turned a clever usurpation into an irrevocable right, and brought the whole future race under the yoke of labor, slavery and misery. . . . All men were created free, and now they are everywhere in chains.

J.-J. ROUSSEAU

We have long suffered under base prostitution of law to party passions in one judge, and the imbecility of another. — Jefferson to Governor Tyler (May 28, 1810)

ALTHOUGH the nation is sometimes shocked by police brutality, especially when an instance is so flagrantly and graphically proved, as in Chicago, and although the evidence shows violence is provoked by the police, the National Guard, and other legal or quasi-legal armed forces in the nation, there are even more powerful forces among the enemies of the American people. Some of them are magistrates, judges, members of the Supreme Court, mayors and governors, most of the newspapers, "leading" citizens, "patriots" and men elected or appointed to office who use their power against that general welfare with which the Constitution is primarily concerned.

The outstanding example at the end of 1937 was the action of Mayor Hague of Jersey City who on his own authority outlawed the labor movement in his dukedom in the same manner as the Duce did in Italy. You cannot organize a labor union in Jersey City despite the Supreme Court and the Wagner Law. You cannot even distribute leaflets urging such an organization. You cannot pass the frontiers of the city if you are an organizer and are recognized as such. You cannot hire a hall because hall owners are terrorized by Hague's police. You cannot meet in the open.

The man who bosses Jersey City began life as a workingman.

He was associated with one Brandle known as the building trades Tsar, and when a legislative investigation called attention to the fact that Hague had spent \$400,000 in ten years on an \$8,000 salary, and the Internal Revenue Bureau filed an income tax claim against Hague, Brandle loaned his former associate \$60,000 with which to settle the case. This was in 1932. Immediately afterward Hague became not only anti-union, but the sponsor of "the nightstick must prevail" plan for dealing with labor.

In 1937, he dropped all pretense of legality, declaring in public that "I am the law," and amplifying it with the statement that "I decide. I do. Me. Right here," thumping himself.

The result of this dictatorship was a bitter war with labor and the Civil Liberties Union. Mayor Hague called this organization's members, including its attorneys, Messrs. Hays and Ernst, "communists." This statement is a falsehood. It serves, however, to illustrate the universal use of propaganda words to cover reactionary and illegal actions.

In a less civilized zone, Harlan County, Kentucky, for example, a greater terrorism prevails. Here you cannot enter the mining region at all if you intend to write or talk about it later; you will be driven out under threats of death, and should you happen to be a union organizer the threat is likely to be carried out. This was proven by the La Follette Civil Liberties committee. Miss Clinch Calkins in summarizing the La Follette report on Harlan County finds that "sixty-five killings a year has been the employers stint in the recent past. The government of Harlan County is first owned by the coal operators and then delegated to a high sheriff. At a profit for their depredation which has netted him over \$100,000 in three years, this sheriff has deputized a staff of nearly 400 drunken hoodlums whose killings of an evening would seem to be nothing but the merry night-cap of a round of whiskies, if they were not remunerated so handsomely for the results by the coal operators' association."

The evidence cannot be questioned. It proves that every fundamental right the Constitution guarantees has been denied citizens in Harlan County, and that in addition to the average of sixty-five murders a year, there are many more instances of torture, abuse, beatings and sadistic cruelty committed by the legally constituted authorities. This terrorism is unequalled in certain dictatorships.

The evidence is similar to that from the Nazi concentration camp at Dachau.

Lynchings are generally associated with the South, although one of the most horrible instances occurred in California, where the victims were white men accused of a kidnapping. But the lynching mentality is not confined to the South. Moreover the lynching threat has been uttered by responsible persons, including many whose job it has been to maintain law and order.

Judge Benjamin C. Atlee, of the Lancaster County Court, Pennsylvania, was given a hearing by a committee appointed by the state legislature at the request of two Negro members. He was accused of making the following statement in sentencing a Negro prisoner:

"It is no credit to the people of Columbia that they allowed you to be in court today. Had they lynched you they would have been justified. It is most fortunate for you that this offense occurred north of the Mason-Dixon line. No court has to bother with cases of your kind south of here." *

On July 21, 1936 at committee hearings Judge Atlee did not deny the accuracy of this quotation. Witnesses testified that the judge "in the depths of his heart does not approve lynching," but the incitement to violence by a member of a court is not the kind of talk one expects to hear from the bench.

Or take the Americanization address made by James W. Gerard recently. It is true that Mr. Gerard spoke as a private citizen, but he has a certain responsibility, being one of the Elder Statesmen, who was once not only an ambassador but an associate justice of the Supreme Court of New York. Mr. Gerard upheld Americanism, denounced foreign Isms, and burst out with the following:

"Let me warn parents and children alike that those who will not conform to the institutions of this country, who seek to overthrow our government and substitute some foreign communism will soon be hunted like mad dogs in our streets." The shocked editorial writer of the *Post* called this "not the language of Americanism but the language of Fascist thugs and hooligans . . . the language of a Hitler, a Goebbels, or a Goering and not of a responsible American teaching new citizens the principles on which this government was founded. Mr. Gerard should know that this is an incitation to mob violence.

* *N. Y. Post*, July 30, 1936.

He should know that every worker who goes on strike for an extra dollar in his pay envelope is at once accused of seeking to overthrow the government."

Governor Rolph of California not only publicly condoned the lynching of the alleged San Jose kidnapers and murderers, but added that "this is the best lesson that California has ever given the country." He admitted he did not call the militia because he did not want to prevent the lynching. The American Civil Liberties Union drew up a brief charging Governor Rolph with murder in the first degree. However, the governor was beyond the law.

Another governor, Frederick P. Cone, of Florida, visiting New York City in October, 1937, surprised a delegation of liberals who came to talk about the failure of his state to punish the murderers of the Vermont freeman, Joseph Shoemaker. Ewald Sandner, field representative of the Committee for Industrial Organization protested the threat of Florida vigilantes to run organizers out of the state.

Sandner: Are you going to stand by and let anything like that happen?

Gov. Cone: Anybody who comes down to Florida and tries to overthrow the Gov'ment of the United States, they ought to be rode out of Florida on a rail.

Sandner: We don't want to overthrow the Government. We're loyal Americans. We merely want our rights down there to legal organization. . . .

Gov. Cone: I'm in favor of the laborin' man. I've always been a friend of the workin' man. But if anybody comes down there and tries to upset the Gov'ment, they ought to be rode on a rail. They ought to be hung to the nearest lamppost.

David Clendennin (Workers Defense League): Mr. Governor, you as an executive of the State of Florida approve of people taking the law into their own hands?

Gov. Cone: Any people like that ought to be hung to the nearest lamppost.

Clendennin: Would you take part in such a thing?

Gov. Cone: Anybody come down to my house and I didn't want 'em, I wouldn't go to the law. I'd take the law into my own hands.

Katharine Terrill (Secretary, Council for Social Action, Con-

gregational Churches): Governor, do you also approve of the Ku Klux Klan?

Gov. Cone: Lady, I don't know nothin' about the Klan except what I read in the papers. I don't know that there is a Klan.*

The lynch threat has also been made by many lesser officials. President George U. Harvey of the Borough of Queens, New York City, while denying the right of "reds" to hold public meetings in his bailiwick "was threatening to hang a communist from every telephone pole." "No public official in New York City," commented the *Post*, "has shown more Fascist tendencies than Harvey. His telephone-pole statement was almost a replica of Goering's threat to hang a communist from every telephone pole between Munich and Berlin." Even the staid *Times* turned upon the red-baiter with the declaration that "once we suppress the right of free speech and assembly for any group, however small or obnoxious, we violate the basic principle of liberal democracy. We establish a precedent that ends in the suppression of all groups except the increasingly narrow group that finally rules by force."

There are also newspapers and other publications, the so-called bulwarks of our freedom, in which the lynch threat has been made. Sometimes the war atmosphere has been the cause of violent writing, sometimes pacifism, sometimes labor-hating and red-baiting. In the April, 1931, issue of the *Pennsylvania Manufacturers Journal*, for instance, the pacifists, and notably the preachers of the Gospel who had endorsed a no-more-war movement, were threatened. Said the magazine:

"It is a matter of great surprise to find so many supposedly intelligent American citizens willing to preach treason against their country by advising against national defense. It is interesting, if not pleasant, to contemplate the number of telegraph poles that would be adorned by white cravats, reinforced by hempen neckties, should another war be declared, — which, may heaven forbend — to test the 'loyalty' which does not appear to spell loyalty to this nation, notwithstanding the popularity of the slogan. The event of a war and the active participation of the clergy against national defense, to which so many have pledged themselves, would give us a brand new national sport: gunning for clergymen."

* *N. Y. Post*, Oct. 21, 1937.

And here is an editorial entitled "The Christmas Spirit" in the *Washington Post*, written during the hysterical red-hunt of 1920: "At Christmas-tide old memories soften the heart. Holy teachings are remembered afresh. . . . The world does not seem so bad. . . . No heart is untouched by the mysterious influence. . . . The country is honeycombed with red propaganda — but there is a good supply of ropes, muscles and lampposts. . . . While this world moves the spirit of liberty will burn in the breast of man."

And here is a magazine calling itself *Liberty* (February 2, 1935) and preaching death. "We are victims of lawmaking mania," writes its owner, Bernarr Macfadden. "We do not ask any more whether anything is just or unjust. The question is, is it lawful?"

"Every patriotic, level-headed citizen is sick and tired beyond measure of this kowtowing to legislative detail. . . . We have been entirely too lax with law enforcement in recent years. . . . The order given recently to policemen in many of our cities to shoot first and question afterward is a good policy in this dire emergency. . . ."

The foregoing are a few of the many examples of forces and men on the side of the law advocating or practicing illegality. What about the courts of justice themselves, and the Supreme Court of the United States?

The 1937 political and journalistic battle to "pack" or "unpack" the Supreme Court has at least served one purpose: it has chipped if not shattered the myth, scratched if not broken the halo, under which that institution has functioned in our generation. We now face the truth that the Supreme Court consists of human beings. We are aware that they are Republicans and Democrats, liberals and conservatives, and that they can err and confess — and probably go and sin again. The fact that they are human, the products of environment, conditioned by upbringing, association, and class contacts, was recognized in the early days of the republic before the myths, halos, and idols were created by interested persons and groups. "Our judges," wrote Thomas Jefferson as long ago as 1820, "are as honest as other men and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps";* and again, "It is not enough that honest men are appointed judges. All know the influence of interest on the mind of

* Thomas Jefferson in a letter to Wm. Charles Jarvis.

man, and how unconsciously his judgment is warped by that influence." * And almost a hundred years later a Republican president now almost worshipped by Liberty Leaguers and other reactionaries, said in a message to Congress that "every time they [the judges] interpret contract, property, vested rights . . . they necessarily enact into law parts of a system of social philosophy. . . . The decisions of the courts on economic and social questions depend on their economic and social philosophy." † Mr. Roosevelt perhaps did not realize that he was paraphrasing Karl Marx and his philosophical partner and benefactor, Friedrich Engels, who half a century earlier had expounded the socialistic view that "political, juridical, philosophical, religious, literary, artistic, etc., development is based on economic development. But all these react upon one another and also upon the economic basis." But dealing directly with the Supreme Court the most pertinent and just opinion is that of Professor H. Allen Smith, ‡ that "it is but natural that the wealthy and influential classes who have been the chief beneficiaries of this system should have used every means at their command to exalt the Supreme Court and thereby secure general acquiescence in its assumption and exercise of legislative authority. . . ." This opinion, written years ago, completely explains the Supreme Court myth invented and fostered by the war profiteers, the superpatriots, the merchants of death and the Liberty Leaguers and big propertied men and women of today.

Osmond K. Fraenkel, of the New York Bar, who wrote a pamphlet § for the Civil Liberties Union based on the eighty-two leading cases involving constitutional guarantees of civil liberties which the organization studied, concludes that forty-five unfavorable and thirty-seven decisions favorable to civil liberties have been made by the Supreme Court, the favorable decisions covering less important issues than those unfavorable. Every one of the amendments to the Constitution was used to test important cases, notable among them habeas corpus, Negroes' rights, slavery or peonage, searches and

* Jefferson, *Autobiography*, vol. 1, page 112, collected works, edited by Paul L. Ford.

† Theodore Roosevelt, December 8, 1908.

‡ *Spirit of American Government*, page 113.

§ *Supreme Court and Civil Liberties*, by Osmond K. Fraenkel (American Civil Liberties Union, 1937).

seizures, freedom of speech, freedom of the press, censorship, right of assembly, freedom of religion, education, due process, voting, the right to travel, aliens and citizenship, jury problems and labor relations.

The Supreme Court, writes Attorney Fraenkel, "has spoken strongly against federal laws restrictive of these liberties only once, just after the Civil War, in the Milligan case. It spoke then only after the war was over, when the decision no longer mattered.

"By its decisions sustaining the Espionage Act and state criminal syndicalism laws, the Court has shown its inability to withstand popular hysteria. But the Court has become more useful in the protection of personal rights as the result of the widening conception of the due process clause, especially against encroachment by the states. But since property can defend itself more effectively, administrative officials and lower courts follow the Supreme Court more consistently in protecting property than personal rights. As the history of Negro rights has shown, the fight for personal rights has constantly to be fought over.

"So long as the Court adheres to the principle of the Civil Rights cases, Congress can prohibit only official, not individual action; and its help to the cause of civil liberties will therefore be correspondingly limited. The greatest infringements of personal rights come not from direct state action but from private forces which the state is unwilling to check."

Attorney Arthur Garfield Hays believes that the usurpation of legislative rights by those sworn to uphold the law and their disregard of the Constitution are due to the natural fact that the law is rarely clear and definite enough and the fact that the prejudices and predispositions of magistrates and judges must enter into every case. Such an explanation, of course, would save many magistrates and judges from the charge of lawlessness.

Take, for example, Vice-Chancellor Maja Leon Berry of New Jersey who is frequently on the front page of the newspapers. In 1926, the legislature passed a law specifically stating that peaceful picketing is legal. Berry immediately filed his personal opinion, namely, that there was little difference between peaceful and any other kind of picketing. More recently (according to a report in the *New York Times*) he issued an injunction against the Amalgamated

Clothing Workers saying, "I am aware that peaceful picketing, so-called, has been held to be lawful. . . . I think it is difficult to discover any picketing which is, strictly speaking, 'peaceful.'" In March, 1935, when Berry outdid himself by issuing an injunction which even the conservative press admitted violated the Constitution, notably the clauses on freedom of the press, speech and assembly, Heywood Broun, president of the American Newspaper Guild openly defied the court. The Berry injunction stopped *Newark Ledger* strikers from distributing "printed matter containing false statement which may interfere with the publication of the *Ledger*," an order which, Attorney Morris L. Ernst pointed out, permits the court to bar newspapers which contain statements about the strike which the court doesn't approve. The injunction further restrained picketing, interference with employees, or attempting to persuade employees not to work, or "loitering," or boycotting the newspaper, or attempting to dissuade advertisers from using the paper, or using a sound truck, or "preventing readers from buying the *Ledger*, or trying to dissuade them from buying it."

Moreover, declared President Broun, the Jersey vice-chancellor undertook "to restrain strikers or strike sympathizers from using the radio to say anything annoying to the trustees of the *Ledger*," and specifically forbade the distribution of the *Guild Reporter*, the official organ of the Guild.

Certainly if ever there was a case where the issue of freedom of the press had been raised by repressive forces, this was it. But the American Newspaper Publishers Association and its committee head on press freedom, Colonel McCormick of the *Chicago Tribune*, maintained a magnificent silence. They had previously leaped to the defense of a small scandal weekly and they have always leaped when their advertising was at stake, but when the rights of liberal or radical publishers are concerned, or whenever freedom of the press affects the liberties of Guild reporters, they have maintained the silence of the grave.

Radio station WOR refused to sell the Guildsmen time. Broun, however, spoke on a small station. He said he was forbidden to annoy the publishers. But he did more than annoy. He defied. He declared that Berry had violated the Constitution and that the Guild would stand by the rights guaranteed its membership therein. Then,

having smashed the Berry injunction to comic bits, he returned to Newark to face arrest. The fact that Berry thought discretion the better part of injunctions only increased the contempt which the newspaper workers of the United States held for him and his methods.

I am emphasizing the episodes involving the journalistic fraternity for an important reason. No man and no institution in our country is above public opinion and the press has usually been considered the public defender in many instances where justice failed to open her ears. For almost a hundred years, from the first days of the machine age and the fiercer fight for labor's rights, it has been the duty of newspaper men to report on the injustices done the common man by the police, the militia, and the courts, but not until some three years ago have the newspaper men of America been able to give the victims a square deal. They have either been on the side of the police and the injunction, or indifferent. Today while most newspapers editorially continue their unfair policy toward labor, the men who write the news are learning their first bitter lessons in the injustice and lawlessness of courts as well as police. Thus, after decades of the usual reporting that "the strikers indulged in violence" and "the pickets started the trouble" and "the workmen attacked the police," the men who are largely responsible for the myths of labor violence and violation of law find by actual experience as strikers and pickets that the very opposite is true.

It took the newspaper writers of America many decades to learn something of the economic forces which shape our politics, of the business and newspaper interests which make and interpret our laws, and of the resultant injustice under which the people live and struggle. The ten thousand members of the Newspaper Guild represent the forty thousand of the craft and speak as one of the most intelligent and powerful components of the American middle class. It is therefore an action of the utmost significance when they go on record against the "greedy seizure of dictatorial powers over the state and federal governments" by the federal courts, which has created "an alarming threat to newspaper workers and to labor." This in fact was the wording of the resolution, adopted by the Guild convention of June, 1936, which demanded a new amendment to the Constitution specifically protecting the rights of labor.

Moreover the Guild, whose members had previously continued the tradition of making the Supreme Court a fetish, had the courage not only to challenge but to attack its decisions. The Guild report stated that "the Supreme Court has gone so far that the way out that was possible a year ago in the form of a legalistic and commonsense approach that would bring our constitutional law up to date, is closed by the sweeping precedents of the Guffey, AAA and other decisions. We think that the amendment should also authorize social security legislation based on the community's duty to care for its aged and dependent members and the casualties of our industrial life."

The class prejudices and predispositions of the courts are shown in the use of injunctions. These mandates against labor have been issued by the hundreds, and sometimes years after laws have been passed and decisions given making them illegal. Thus "peaceful picketing had been legal before the Exchange Bakery case was decided in 1927, but judges of the lower courts, biased against labor or confused as to the law, had issued injunctions almost for the asking."* When the usual injunctions prevent union men on strike from either showing a sign or stating aloud that non-union men or strikebreakers are employed at a certain place of business, it is obviously a denial of the constitutional right of free speech and free press, but although the judges know this, many continue to play the game of the employers until such time as the states join in the movement to legislate the injunction into the unjust past.

The injunction has been the weapon of the employers' assault upon labor, states the director of the Civil Liberties Union; it is the most effective weapon curtailing labor's progress; it places the protection of property above the protection of life — workmen's lives, of course; it has been the terror of the labor movement always, and still is in states which have not placed limits upon it.

Fourteen states have curbed the injunction. In New York, where injunctions were commonplace, only a few have been asked since the passage of the anti-injunction law of 1935 and none has been granted. Although most of the laws do not abolish the injunction altogether, they require a hearing at which labor also can be present, provide that peaceful activities will not be interfered with, and that

* *Lawless Judges*, page 44.

those accused of violation may be tried by jury. The employer, whose interests are identical with those of the judge, can now no longer rely on this one-man dictatorship serving him in a friendly way, but must depend on the fickleness of a jury which may, even with a sneering judge, decide for labor. The mass arrest of pickets and labor leaders, the jailing for contempt, the high-handed methods used in strikes, which everyone knows are illegal but which cannot be righted until it is too late, are prevented in many states, but even there "all this judicial tyranny is by no means a thing of the past," says Roger Baldwin. The employers, who have exploited illegal yellow-dog contracts by which workmen sign a paper promising not to join a union, who have maintained the blacklist while fighting the boycott, and who have fought every claim by labor to the right to organize, picket and strike, always turn to new weapons. With labor winning its fight against injunctions, the employers turn to the use of gunmen, private detectives and *agents provocateurs*, thugs, strikebreakers, and the use of police, militia, American Legion, and sheriff's troops, — the subject for another chapter.

In the coal fields and in steel mill towns the corporations frequently own or control all the law-enforcing organizations; therefore little justice for the employees is possible. In the steel industry during the attempt at unionization in 1919 this was frequently proved. The United States Coal Commission found that civil liberties were pretty generally denied throughout the coal fields, and that "of all the localities in the United States where civil rights are most flagrantly violated and denied these non-union coal districts easily take first place. In those districts the authority of the employing interests dominates the entire community. The exercise of the ordinary rights of a citizen is subject to the order of company representatives. A man must obey or get out. His livelihood and the welfare of his family depend upon his making no protest against what in other sections would be regarded as intolerable tyranny. This condition affects a population today of over three-quarters of a million people, as widely separated as Alabama, West Virginia, Pennsylvania and Utah."

There is an excellent example of court tyranny in *Lawless Judges*. A federal judge reached the nadir of subserviency to the coal operators when he "prohibited the union from using any of its funds for

procuring or giving bonds of appeal for miners about to be evicted. This injunction was granted to the Pittsburgh Terminal Coal Corporation against the United Mine Workers.* . . . The Pittsburgh Coal Company had once before been granted a drastic injunction by another federal judge which had prohibited strikers from using persuasion and other peaceful methods to get workers to join the union. . . . These injunctions, which prohibited unionization of mines by peaceable methods, are lawless. Unionizing an industry is not illegal. Nowhere but in these feudalistic non-union coal fields could such injunctions be issued. Depriving the union of its own funds for the purpose of . . . helping miners about to be evicted shows to what extremes the injunction is used. A judge . . . exercised similar tyranny . . . deprived the miners of their rights so completely that in one injunction he prohibited striking miners from singing hymns in a church about fifteen hundred feet away from the mine on the pretext that their singing would disturb the mine workers who had not joined the strike. By the same injunction, he prohibited all strikers from walking to any road or any place that led toward the mine, in spite of the fact that the union owned property which was situated on a road leading to the mine — forbidding the union the use of its own property. (Hearings on Senate Resolution 105, 70th Congress, 1st session, page 24. Hearings on Senate Resolution 1482, page 599.) It was found that the judge was financially interested in coal lands of the Buffalo, Rochester and Pittsburgh Coal & Iron Company, and in coal mines in Indiana County. *He is still a judge.* †

The wisest summary of the situation was made by Finley Peter Dunne whose mouthpiece, Mr. Dooley, said "I care not who makes th' laws iv a nation, if I can get out an injunction."

Rarely do we obtain evidence that judges are not only frail human beings but prejudiced and even lawless political party members whose main interest is to defeat the ends of justice by placing parti-

* Pittsburgh Terminal Coal Corp. v. United Mine Workers. Hearings on Senate Resolution 1482, Pages 72, 73, 407.

† Page 69. On page 25 a reference to the court injunction against the singing of hymns is followed by footnote 30, the documentary source of this statement: "Injunction issued by Judge Langham. Hearings on Senate Resolution 105, 70th Congress, 1st session. Investigating conditions in coal fields of Pennsylvania, West Virginia and Ohio.

sanship first. The best recent example comes from Detroit where in 1936 some of the crooked bankers who touched off the national crisis of 1932-33 were at last brought to trial. It took three years to accomplish this feat, thanks to the obstructionism of the bench. The judges were without exception members of the Republican Party.

By April, 1936 not one of the many bankers of Detroit responsible for the crookedness there had been convicted, and only three of the thirty-seven indicted in June 1934 had been brought to trial. The judges with one exception had refused to try the cases and the exception "was so obviously biased in favor of the accused that the government dared not bring the cases to trial before him."

However, the government did bring three bankers to trial before Judge E. A. O'Brien. After an acquittal the government indicated thirty instances of reversible error in O'Brien's conduct of the case and appealed, the circuit court upholding the prosecutor and finding that Judge O'Brien failed to recognize a "certificate of prejudice" filed by the government which demanded that an impartial judge preside at the trials. The higher court ordered the judge to step aside so that a judge from another district might hear the cases. But Judge O'Brien refused. Moreover, he appealed to the Supreme Court of the United States to uphold his right to sit. The Supreme Court threw this appeal out. And then O'Brien and his two federal colleagues in Detroit refused the government's request to change places with a judge of a neighboring circuit whom the prosecution wanted.

This "defiance of the higher courts and the principles of common decency in efforts to block an impartial trial" was recorded only in one or two liberal newspapers, the *New York Post* calling it "one of the weirdest and most appalling tales in the history of American law 'enforcement'." The Department of Justice, made desperate by this Republican judge's success in obstructing justice, appealed to Chief Justice Hughes who was forced to the following ruse in order to circumvent the politicians on the bench: a new judgeship was created with the consent of Congress, and there was *appointed* to the vacancy a Democrat (Arthur L. Lederle) who immediately stepped down so that the judge whom Hughes had chosen (Patrick T. Stone of Wisconsin) was able to come to Detroit to hear the cases against the accused.

In the first trial on charges of false entry in reports to the Federal

Reserve, false entry in the books of the bank, and conspiracy to violate the banking laws, three defendants, John R. Bodde, Edwin J. Eckert and Donald N. Sweeny were found guilty.

(Anyone who has read the records of the Seabury investigation into the crooked relationship between Republican and Democratic party politics and the judiciary in New York will not be surprised to hear that Republican judges had done their best to prevent Republican embezzlers from being convicted in Detroit. The situation in New York and Detroit is repeated in every large city of the nation.)

Speaking from the depths of his pessimism, a great lawyer, Clarence Darrow, has called the law a "horrible business" and declares, without qualification or legal quibble that "there is no such thing as justice — in and out of court." In that phrase he sums up what is becoming more and more a layman's opinion also.

The foregoing incidents illustrate the court actions against groups rather than individuals. Every honest man whose mind has not been perverted by the newspapers of California knows that Tom Mooney is no more guilty of the Preparedness Day outrage than himself. But it takes twenty years of crying out against injustice before an eastern newspaper can admit that Mooney is in jail because he got in wrong with the public utilities by trying to organize their street railway employees, and he stays in jail because the powers that be in California want him there as an example to other labor organizers. But in California neither the absolute proof of innocence nor the absolute proof of perjury of the prosecution witnesses, nor conspiracy by the officers of the law has yet repaired the lawlessness which deprives an innocent man of his civil rights. And nothing can repair the injustice done to Sacco and Vanzetti. Here judicial injustice goes so far as to refuse to arrest the real murderers since the proof that innocent men were murdered by the law would further add to the contempt of honest men for the courts which condemned the fish peddler and the shoemaker, two real libertarians.

From magistrates to the Supreme Court, the questions of law and lawlessness and the rights of the majority (the working people), as well as of the minorities and of the non-conforming individual, are as intensely important to the American people today as they were at the time of the Dred Scott Case. In discussing that decision the his-

torian Bancroft concludes that "when courts of justice fail, war begins. . . . That ill-starred disquisition is the starting point of this rebellion. . . . The so-called opinion of Taney . . . upheaved our country."

In the Roosevelt administration 1932-38 none of the many Supreme Court decisions against labor and social security enraged the public, as did the Dred Scott Case, but they did make the Supreme Court a public issue. Not only did the labor struggle grow more violent but plans were announced for decisive unionization (which the reactionaries denounced as "class war"); and the independent and militant wing of labor, which seems destined to win the entire movement, continues to pay no attention to Tory howls and to the Hearst press.

It is significant that Lewis, unlike Green from whose American Federation of Labor he departed with more than a million men, pledged labor's participation in politics. The time may come soon when instead of Republicans and Democrats sitting on all the benches, from the police courts to the Supreme Court, there may be the representatives of labor, and a resultant diminution of judicial lawlessness against labor, against the majority, at least.

Chapter 5. WHEN BLOOD IS THEIR ARGUMENT

THE lawlessness of the police, judicial actions favoring property as opposed to human rights, illegal injunctions, official or unofficial incitement to violence by those in authority frequently cause a state of terrorism. This state of terrorism may exist for only a day or two, as in the 1934 San Francisco vigilante riots, or it may persist for years, as in Harlan County, Kentucky. Very often it produces no visible proofs but sometimes it results in bloodshed and scores of cases of violence.

Though terrorism, violence, bloodshed are usually charged to labor, "the record shows that in fifteen years not a single radical has been convicted for an act of violence, but scores have been imprisoned for radical opinions," reports the director of the Civil Liberties Union, and "the record also shows that *those who defend the existing economic system not only advocate but practice violence without fear of punishment.*"

The italics are Mr. Baldwin's. His organization has also published the statement that "in all our experience of the last fifteen years in handling free speech cases all over the country, we do not know of a single specific incitement to violence by any radical." Mr. Hearst, the American Legion, the Chambers of Commerce and the majority of the nation's daily newspapers, which have spread falsehoods and propaganda to the contrary, have never presented any evidence or proof.

The fact that all the weapons are on one side is in itself important evidence that almost all the violence is on one side, since it is a military axiom that deadly weapons provoke deadly use.

The yearly analysis of the casualty lists of men killed and wounded in disputes with city police, state militia, national guardsmen and vigilantes, proves that scores of persons lost their lives and the means of livelihood because only one side was armed. That side represented the triumph of property over life and civil liberties. In five months of the New Deal, when labor believed the government had suddenly

become its partisan, twenty-two persons were killed in industrial conflict: an organizer was stabbed by a scab; two men were murdered by vigilantes in California; a Negro union leader was lynched by landlords; two Mexican-Americans were shot to death by sheriff's deputies; one man was killed by national guardsmen who willfully fired a hundred shots into a civilian gathering; one man was beaten to death by New York police and one shot for "talking back." . . . In those same five months there was no instance of workingmen or strikers or "mobs" killing a representative of the law.

The press (with perhaps a ten per cent exception) reports neither the issue of property versus lives nor the economic motives of the frequent terrorisms and continual bloodshed. Occasionally, however, there is an instance so flagrant and horrible that the background and motivation must come to light. But even then justice may not triumph.

Twelve men had been kidnapped, of whom one was murdered, another mutilated, all beaten, tarred and feathered by a group of Ku Klux Klansmen and police acting for political grafters and cigar manufacturers of Tampa, Florida. Little was said about these happenings in the press, no one was ever convicted, and when one of the unlucky sadists was arrested he was usually bailed out and defended by many of the best citizens of Florida. But the Committee for the Defense of Civil Rights in Tampa hoped to break this conspiracy by arousing the nation over the murder of Joseph Shoemaker.

Shoemaker was a Vermonter. He was one of the organizers in Tampa of the Modern Democrats, a political organization not affiliated with any radicals and yet devoted to bringing about a system of production for use instead of profit. On the night of November 30, 1935, just six months after Shoemaker had moved to Florida from Vermont, he and his friends were arrested as they were writing the constitution of the Modern Democrats, using the American Legion's constitution as a pattern. On the police docket under "Why Held" appeared the words "Investigate Communists," but since there was no case against them, they were forced, after cross examination, into police cars, taken into the country, and beaten.

Policemen and Klansmen, after flogging Shoemaker with rawhide and chains, poured melted tar into the wounds and burned one foot

over a fire. When, the next day, he was found and taken to a hospital the surgeon said, "He is horribly mutilated. I wouldn't beat a hog the way that man was whipped. He was beaten until he is paralyzed. . . ." After nine days of agony, Shoemaker died, the victim of the agents of the citrus growers, one of whom told Junius B. Wood * that "citrus growing is a \$100,000,000 industry in Florida, and, as it cannot afford to pay higher wages, labor organizers must be discouraged." The Tampa cigar manufacturers, afraid their workmen also might ask for higher wages put up \$9,500 bail for each murderer.

In just the same manner as the steel corporation once fought unionization in the Pittsburgh district, so Tampa, which makes sixty-five per cent of the nation's cigars, is fighting the cigarmakers' unions. In 1910, five labor organizers were lynched; in 1931 manufacturers connived secretly for an anti-union drive, and in 1932 (Anita Brenner revealed in the *Nation*) police and vigilantes of Tampa joined manufacturers in fighting labor. George Googe, Southern representative of the American Federation of Labor, himself a Southerner, told a labor convention that he would "as soon live under the worst foreign dictator as attempt to function as a labor organizer in certain sections of the South."

Under these circumstances the attorneys defending the men, who were eventually found guilty, took the tip from the Hearst press, American Legion, Chamber of Commerce and power company publicity bureaus, and raised the old red flag. "Didn't you know that Communism was so active in Tampa that the business people called on the police and sheriff for protection? . . ." and similar questions, were asked the accused sadists. Unbiased reports from many parts of the state expressed amazement that "aliens" should be so upset by another flogging and tarring, even if one man did die, inasmuch as this practice, and even killing, "are not unusual here as a means of disposing of persons who are disturbing to certain interests, or to what is vaguely called 'social order'." I am not of course implying that the citrus growers and the cigar manufacturers convene and discuss the "disposal" of workmen who want higher wages or leaders who threaten unionization, but it is certain that the businessmen do declare themselves against labor, "foreign agitators" from the North, and native "radicals," and that Klansmen and businessmen resort to

* Correspondent for the *North American Newspaper Alliance*.

the suggested violence. Certainly every sheriff, police captain, and national guard colonel whose men blackjack pickets or strikers believes he is preserving law and order and will perhaps sincerely swear he is not indulging in violence to protect the interests of the Super-Super Textile Corporation or the Super-Super Orange Growers Association. Nowadays the recourse to bloodshed is indirect but the motivation is the same. Shipping companies, fruitgrowers, cotton farm owners, the heads of manufacturing concerns are just as responsible for the terrorism that exists today in Alabama and Arkansas, in the Imperial Valley of California, in the coal and steel towns of Pennsylvania and in the manufacturing centers in time of strike as Henry Clay Frick was when he brought up to Homestead in barges the Pinkertons who shot and killed Frick's employees.

Midsummer of 1937 and the Shoemaker case was still being dragged out. In the town of Bartow, six Tampa policemen were on trial charged with the second degree murder when testimony was heard that Bridges (one of the accused) hit Shoemaker on the head with a gun butt. The indictment had stipulated injuries to "the body and limbs," so Judge Dewell ordered the testimony stricken, ruling that the head was not part of the body.

In July, 1937, the Florida Supreme Court reversed the lower court's decision which had confirmed the sentence of guilty in the case of the five policemen charged with kidnapping another of the twelve victims, E. F. Poulnot, president of the Florida Workers' Alliance. The Tampa civil liberties committee protested to Governor Cone, citing the following record:

- (1) Nineteen months after the atrocious crime not one guilty person had been jailed;
- (2) Four of the eleven indicted men have never even had to stand trial;
- (3) The Florida Supreme Court has held up a decision on the appeal for six months while the convicted men are allowed to roam at will throughout the country;
- (4) Judge Dewell has consistently refused to set trial dates on the murder indictments although it is plainly his duty to do so.

And in Florida in 1937 the Ku Klux Klan again paraded in its nightshirts. Its announced program of hatred was no longer officially

directed against Jews, Catholics and foreigners, but was pure red-baiting.

Who are the present day California vigilantes? In the town of Santa Rosa three hundred of them, to give but one illustration of scores of acts of vigilante terrorism, attacked labor leaders with gas bombs "loaned" by county authorities, tarred and feathered, terrorized and deported their victims. In the daily press there were news stories of "a spontaneous outburst of farmers against communist agitators," and it is possible that a few farmers were in the vigilante mob, but none of the county's thousands of bankrupt farmers. The Santa Rosa vigilantes consist of several bankers, a head of the federal reemployment bureau, motorcycle policemen, a member of the state legislature, American Legionnaires, petty politicians, members of the Chamber of Commerce, and, according to a suit filed by a victim in the county court, the mayor himself, who is a banker.

Whereas in Tampa the newspapers attacked the kidnapers, in Santa Rosa the bloodthirsty mob had the support of the press. The *Santa Rosa Press-Democrat* glorified the vigilantes, said mob action would bring "plenty of results that will herald to the world what Sonoma County means to do to Communist agitators," and published a truly remarkable story of mob action written by one of the mobsters. This eye-witness and participating vigilante tells the following story:

"Awaking after a ghastly night of terror that came near reaching the point of bloodshed and lynchings, I am firmly convinced today that Sonoma County will purge itself entirely of all communists — and at any cost.

"Never in my life have I seen such a grim, serious minded band of citizens as determined upon their objective as the vigilantes were in seeking to oust radical agitators.

"It was just at dusk that we assembled after an emergency call from our leaders. Nearly 300 men responded. . . . We formed in two groups. . . . It was an awe-inspiring sight . . . carrying weapons ranging from rifles to home-made billy clubs and ready to battle against men who ridicule the American flag. . . . Someone has to teach these communists they are not wanted. . . ."

(Inasmuch as there was no communist meeting to be raided, the vigilantes in a down town hall discussed "the impending trouble that is feared in the hop, prune and grape harvests unless Communists are driven out." Then someone shouted "Let's go drag 'em from their homes." The Vigilante then continues:)

"Soon six men returned dragging a cringing and pitiful looking specimen of a man to the center of the hall. . . .

"What'll we do with him?" someone shouted.

"And came a multitude of answers. . . .

"Give him the works.' 'Run him out.' 'Get the tar'. . . ."

(It was decided to use the man, Jack Green, as a decoy for others. He was taken to the Sol Nitzberg ranch. When Nitzberg answered the knock, Green "doublecrossed" his captors, by warning the intended victim and dragging him into the house.)

"Nitzberg . . . fired one barrel of the gun high as a warning. . . . He was in plain sight of the vigilante gunmen but they wouldn't shoot because of fear they might hit the wife or children. It became a strange siege almost like war days. . . . Two of the gas shells ripped through the window into the house but failed to explode. A third struck on the window sill and burst outside, sending a great wave of painful searing tear gas back upon all of us. It was awful! After gagging and choking a while our gang, looking all the wilder with tear-stained faces, finally shot a successful shell into the house.

"A cry arose as the gas went through every room in the structure. The woman shouted 'We'll come out, we'll come out.' A cheer went up from the boys outside. . . . In a few minutes out walked Nitzberg — sullen, bitter, refusing to say a word. With him was Green, terror-stricken and gasping at the thought of going back into the hands of the wild mob. Our boys surged down onto the pair, seizing them roughly and dragging them down the road to the cars. . . .

"When we got back to the warehouse, the story of the shooting and Green's attempt to escape spread like wildfire. The pair was dragged into the hall — stupefied from fright and beatings. By that time another man, C. Meyer of Cotati, had also been brought in and a short time later Ed Wolff of Healdsburg was added to the four victims. It was a sight that few who saw it will

ever forget. Dimmed lights added to the ghastly scene caused by the milling crowds of vigilantes in varied masks and other disguises.

"It had been an all night task, but at last the climax was near and everyone was on edge. Our leader addressed us and the radicals caught, declaring, 'Sonoma county is not large enough for such men as you who are attempting to overthrow the government under which you live!' . . .

"An American flag was produced and the pair asked to drop to the floor on bended knees and kiss it. Both refused sullenly, but not for long. After a count of three, fists swung through the air. Both men dropped to the floor, semi-conscious. They were shaken back to sensibility enough to obey the order and kiss the Stars and Stripes. Wolff pleaded that he was not a Communist. . . . One man pushed his way through the crowd to face Wolff, grasping him around the throat in powerful hands. A hush came over the crowd as the vigilante cursed and berated Wolff with Communist activity and finally ended with a dramatic shout:

"'Ed, my hands are on your throat — and the only thing that keeps me from crushing the life out of your cursed body is that I believe in Almighty God!'

"After pleading that he would gladly get out of the country at once and stay out the crowd agreed to release Wolff. Meyer and Ford were given the same warning and also escaped the tar and feathers. But the impatient mob waited no longer with Green and Nitzberg. Clippers were produced and hair hacked from their heads. Shirts were ripped from their backs. Buckets of tar paint were hurled over them. Pillows were broken and feathers hailed down upon the sticky black substance. From two men they had been transformed into fantastic, ghostlike creatures of some other world.

"Communism in Sonoma County was getting its due — and the vigilantes, restrained through most of the night, came near going wild. Kicked, beaten, dragged and shoved the two staggering tar victims — their eyes glazed with torture and terror — were taken out into the street. Then came a procession that Santa Rosa has never seen the like before. Down Fourth Street they walked, clear past the courthouse and on out of the city

limits — while behind them followed the wildly shouting and triumphant vigilantes.

“It was a long night, a wild night. But the vigilantes are just as determined that there will be other such nights as long as Communists continue attempts at radical agitation in Sonoma County. The ultimatum has been issued. The vigilantes have proven they are ready and willing to back it up with violence. It’s up to the Communists to get out now, or suffer the consequences.”

Thus on the night of August 21, 1935, a mob of bankers, business men, Legionnaires, and other “better” citizens, “mobilized by the Chamber of Commerce” according to an ACLU report, with the weapons and moral support of official authorities, overthrew law and order, violated every fundamental right, and boasted about it in their press, while the attorney general refused to look into the business and the governor ignored the violation of state and national constitutions. Six vigilantes were identified and civil suits brought against them when officialdom refused to bring criminal action. Finally the Liberties Union instituted suit against Fred Cairns, charging him with being the leader of the mob. Incidentally, says the ACLU report, Cairns, who is secretary of the Healdsburg Chamber of Commerce, is really an alien — a term always used by certain patriots in attacking Americans from other cities or states who show an interest in local civil liberties.

There are whole districts in the United States ruled by the same terrorism that one finds in Italy or Germany. And as in these countries, it is never seen by tourists — or Tories. But as sure as sunrise, which also is frequently invisible, the terrorists will get you if you enter certain counties in California, certain districts in Alabama, the tenant farm zone in Arizona for the purpose of writing for the liberal press or, worse still, for the purpose of talking unionization. Carleton Beals, the noted writer, informs me that the moment you leave the main highways in Alabama, you are in danger. He himself, arriving in a small town by bus, was immediately visited by vigilantes who questioned him and, although they learned nothing, advised him that for inquisitive “aliens” the next county was much healthier.

This is a typical story of terrorism in the depressed areas in the

United States. Howard Kester, organizer for the Southern Tenant Farmers Union, describes what happened to him in February, 1936 in Arkansas:

"At night deputy sheriffs and masked men ride the roads, on the lookout for secret meetings of the union. . . . Beatings are frequent and killings are not uncommon. . . . Planters even organized a Fascist band wearing green shirts and carrying the swastika as its symbol. . . . Hundreds of our members have been beaten and scores of families have been driven from their homes by terror. . . . At least ten of our members have been killed.

"Just a few weeks ago at Earle, Arkansas, armed vigilantes broke up a meeting in a Negro church and shot two men. . . . The next day while I was addressing 450 white and Negro members of the union in a Methodist church, about fifteen armed planters and deputies came into the meeting house. I was dragged from the platform and thrown into my automobile by three men while the others began beating members of the union, men, women, and children. The interior of the church was wrecked."

That terrorism is the weapon of the "better element," the leading citizens, the merchants and Legionnaires and law officials, rather than the method of radicals, is shown in every instance of its use. There is not a single case of vigilanteism in Alabama, Arkansas and California which can be charged to labor. All come from the employer class.

The flogging of Willie Sue Blagden and the Rev. Claude C. Williams in Earle, Arkansas, was fully reported in the national press, as was the arrest of Josephine Johnson, the Pulitzer Prize novelist, Joe Jones, the painter, and Caroline Drew, a labor organizer. Northern papers also reprinted an editorial of the *Earle Enterprise* upholding flogging as a method of preventing "foreigners" from trying to raise sharecroppers' wages from seventy-five cents a day.

Just five days before the leading citizens of this neighborhood emulated the sadists of a Hitler concentration camp (to the loud cheers of the local editor), Norman Thomas had telegraphed to President Roosevelt, then in the midst of a political campaign in which he held aloft the liberal banner, that "because of the critical development of cotton strike a word from you is imperatively necessary."

Franklin Delano Roosevelt journeyed to Arkansas and said, "This is the first chance I have had to enjoy the generosity, the kindness and the courtesy of true Arkansas hospitality."

After the president's return to Washington his Socialist rival said: "The president knows all about the situation in Arkansas but because of political expediency he went into Arkansas and did nothing but praise Robinson." From Arkansas he again telegraphed the President "to act in this monstrous perversion of everything decent," adding, "you have just come from Arkansas where you eulogized the state and its leaders without reference to peonage, mob law, and murder."

And that is the important fact. There is not only a denial of civil liberty in Arkansas (Sheriff Campbell ordered Miss Johnson not to talk to anyone about unions and not to talk to colored people on any account), but as Sherwood Eddy, the Christian sociologist reported, "we found peonage, serfdom, poverty, disease — and sometimes terror and violence."

In fact eight million Americans were reported living in conditions approaching peonage.* Some were driven to work at the point of a rifle. Mr. Eddy investigated a place near Earle, an hour's ride from Memphis, where a "killer" had built a stockade and kept "slaves" — men arrested for vagrancy — in a concentration camp. City Marshal Paul D. Peacher, a cotton planter, was later arrested on the charge of violating the federal anti-slavery laws and found guilty.

There were of course public trials and public hearings, and a blast by the governor against "foreign meddlers." An armed mob which came to lynch the Civil Liberties attorney, C. T. Carpenter of Marked Tree, was driven off. But since no solution of the economic problem of tenant farming is possible without a radical change which will radically affect the pocketbooks of the landowners, the terroristic situation, which has been called "the training ground for the forces of Fascism in the South" since it is a working agreement between law and private property against labor, must remain. "Leave or be lynched" is still the attitude of the employers of Arkansas.

Carleton Beals found Alabama camouflaged feudalism and serfdom. Negroes who gave him evidence against the planters asked to have their names suppressed because they lived in fear of lynching. Anyone suspected of being a member of the sharecroppers' union is

* Hugh Russell Fraser in the *World Telegram*, February 21, 1935.

subject to eviction, denial of government relief, persecution, and the threat of physical harm or even death. Eight sharecroppers have been reported murdered in Alabama, many have disappeared, more have been whipped, and about a hundred are in jail.

In August, 1935, according to Al Jackson ("the most hunted person in the black belt, writing this in the shadow of the lynch rope"), a strike was called at J. R. Bell's plantation in Calhoun, Lowndes County, Alabama, where Sheriff R. E. Woodruff insisted that the men work. The Negro strike leader, Willie Witcher, was shot eight times. "Under the personal leadership of Sheriff Woodruff of Haynesville a gang of landlords, deputies, and small town rowdies were organized to terrorize the strikers. More than six Negro strikers were carried off at night, beaten almost to death and left in the swamps. On August 22 this same gang raided several homes. Jim Merriwether passed the door of the Calloway shack unarmed. He was seen and shot down. The gang found Jim Merriwether's wife, beat her, hung her from a rafter for 'sport,' and then released her. The local newspapers carried on a rabid lynch-inciting campaign. . . . On September 2 . . . The vigilante gang went to Hope Hull and attacked the home of Ed Bracy, militant Negro union leader. When Bracy tried to escape he was shot down. . . . Every vestige of human, civil and constitutional rights has been swept aside by landlords, sheriffs and vigilantes in their murderous campaign to keep the living standards of the farm toilers down to a starvation level. To break the strike, the landlords have murdered five men."*

White agricultural workers fare little better than Negroes although fewer are lynched or shot down by deputies and landlords. Industrial workers and labor organizers also experience Alabama terrorism. For example, in June, 1936 the offices of the United Rubber Workers Union were destroyed, the labor leaders driven out of Gadsden. In September, Joseph S. Gelders, World War Veteran, former instructor in the University of Alabama, and secretary of the National Committee for the Defense of Political Prisoners, was kidnapped in Birmingham and badly beaten. A year earlier a committee consisting of

* *The Fight*, October, 1935.

writers Bruce Crawford, Jack Conroy, Emmett Gowen, Shirley Hopkins and Alfred Hirsch, the majority Southerners, went to Alabama to investigate abuses of civil liberties under the auspices of the aforementioned committee. They first tested the Downs Law, under which eighteen persons had been imprisoned. This was a Birmingham city ordinance making possession of a single copy of a radical publication (legal elsewhere in the United States and in the mails) punishable by six months on the chain gang. They distributed the *New Masses*, *Labor Defender*, *New Theater*, *New Republic* and *Nation*. They were seized, pushed into the city jail, and two were photographed for the rogues' gallery and fingerprinted. Hirsch was struck on the head by an officer. Then the writers were told they were not arrested and that the publications were not violations of the law. However, this printed matter was the kind that would offend "a certain element, some anti-radicals" and therefore, said the interrogating detective, "I won't be responsible for what may happen to you. . . . I can't protect you."

En route to the capital to ask Governor Bibb Graves to veto an anti-sedition law, the two cars carrying the writers were shot at five or six times. "A frame-up for publicity," Governor Graves told the press.*

In Harlan County, Kentucky, violence against miners has been common for more than five years. In 1932, the murder of the youthful organizer Harry Sims came to civilized attention, and a group of writers went to investigate. Waldo Frank and Allan Taub were beaten and the press was sent false reports by local correspondents who were as active in red-baiting and anti-union activities as the owners themselves. Theodore Dreiser headed a second investigation committee and was immediately indicted for criminal syndicalism. A student delegation was deported, its members taken to Tennessee and beaten up. Everyone agrees that civil liberties no longer exist in Harlan, have hardly existed since the economic debacle of 1929, and that a virtual dictatorship does exist, intimidating or controlling the press, the law-enforcement officers and the ministers of the gospel. Dreiser's book *Harlan Miners Speak* is a great human interest document historically important in America's labor struggle.

* Great credit is due to Julian Hall and his *Dothan Eagle* for fighting the Alabama gag laws and defending civil liberties in general.

The terror in the fruit growing valleys of California is also of long duration. Since state and federal officers refuse to intervene, the employers and their hired thugs make the law, which is in the tradition of the old California Vigilantes except that the victims are no longer thieves and murderers but underpaid fruit pickers and other workmen and women. One of the victims was James Rorty, the writer who came to investigate for the *New York Post* and the *Nation*. Congressman Maury Maverick declared in the House that the California officials responsible for Rorty's deportation are more dangerous than the entire Communist party. General Glassford, the federal conciliator, reported that the "growers have exploited a 'communist' hysteria for the advancement of their own interests."

Behind the terrorism in Gallup, New Mexico, there is the paramount fact that under the New Deal an attempt was made to unionize the American Coal Company, a subsidiary of the Morgan-controlled Kennecott Copper Company. The coal company decided to break the union. You cannot make personal devils out of the Morgans or the owners of Kennecott by charging the murders that followed, or the present injustice, or the state of terror to them; we merely record it as another indictment against the present finance-capital system.

There had been an eviction of a striker. On April 4, 1935, a group of Mexican coal miners legally denied entrance, gathered outside a local court during the trial of a union leader. The prisoner was hustled out of court into a back valley. The crowd followed. The frightened armed deputies threw gas bombs against the unarmed crowd, then opened fire with forty-five calibre revolvers. Two miners and Sheriff Carmichael were killed.

Six hundred and one unarmed miners were arrested.

Every conceivable violation of civil rights, revival of every dead-letter law, kidnappings, beatings, deportation of witnesses, terrorization of the populace of five thousand followed, when the new sheriff deputized two hundred American Legionnaires and mine employees to round up fifteen per cent of the entire population on the charge of first degree murder. This charge was made possible by an 1854 law of frontier times which can be applied to every person present at a place a murder is committed.

Witnesses testified Carmichael was killed by mistake by his own

men. The statement by deputies that the two dead Mexicans had shot him was disproved; neither had a gun, no weapon was found, the bullet killing the sheriff came from a forty-five fired at close quarters, from the left, where his own men were. Of the ten eventually charged with murder three were sentenced to forty-five to sixty years in prison. Those chosen for punishment were those active in unionization. There was no more evidence against them than against the other 598.

Attorney Wirin, for the defense, stated, "I do not say that the attorney general of the state of New Mexico and the district attorney are in the actual pay of the Gallup American Coal Company. I do say that they should be, for they are serving well the interests of the mining corporations of Gallup who will stop at nothing to destroy the workers' organization in order to continue their exploitation."

Attorney David Levinson and Robert Minor, who came to Gallup to investigate the case, were seized in front of the leading hotel, taken by vigilantes into the desert, and beaten. The attorney general of the United States refused to act in this kidnapping despite the fact the crime was committed on an Indian reservation, federal land. The vigilantes donned bed sheets, burned fiery crosses, and threatened all from other states who made inquiries. Judge McGhee jailed persons who distributed leaflets on the case. Mrs. Lorna Stimson, niece of the former Secretary of State, was ordered out of Gallup because she had been seen at the trial.

Years of investigation by the Liberties Union have resulted in the following indictment of the real advocates of violence, the reactionaries. "Those who call for violence against radicals, strikers and Negroes go scot-free," says the Union report. "Not a conviction, not a prosecution in years. Lynching of Negroes in the south is commonly condoned or encouraged in private utterances. Excited employers or professional patriots often urge violence against reds and strikers. . . . The declarations of various semi-Fascist 'shirt' organizations which have sprung up in recent years advocate far more violence in seizing the government than can be found in communist publications. Yet not a single leader has been prosecuted for such language. . . .

"But the reactionaries not only incite violence; they practice it.

Witness the story of almost any strike. . . . Reflect on the brutal treatment of the Negro, our shameful lynchings. Take the Ku Klux Klan in its heyday. . . . Over two thousand cases of mob violence were cited in an official investigation of Klan activities in the state of Oklahoma alone. And yet not a single person committing or inciting these violent acts against strikers, Negroes or radicals has ever been punished.

“It is plain, therefore, that those who defend majority prejudice or property rights may not only advocate but practice violence against their enemies without fear of prosecution. . . .”

Who are the reactionaries who, in upholding property rights, violate the rights of others? Who advocate and use violence as a policy? Who are the enemies of the people?

PART TWO

ENEMIES OF THE PEOPLE

Chapter 6. CHAMBER OF COMMERCIAL PATRIOTS

WE MAY thank the economic debacle of 1929 for confirmation of the fact that Big (and frequently Little) Business is among the chief enemies of a progressive people. The Chamber of Commerce, in the reports of many liberal investigators, is usually placed first or second (alternating with the American Legion) among the nation's repressive forces.

The present industrial system is comparatively youthful. Only recently it celebrated its first centennial, and almost immediately afterward suffered a paralytic stroke. In its heydays it was great and expansive, it robbed and plundered on a vast scale, and it also returned vast plunder to the people in the form of universities, endowments and foundations. It frequently supplied adventure and romance and for a while promised the nation permanent prosperity and economic security. And when a few socialists or muckrakers or other nonconformists or farsighted men and an occasional demagogue like Theodore Roosevelt did realize how vicious the big business system had become in the twentieth century, they usually named Wall Street the scapegoat.

In all this time the Chambers of Commerce, commercial clubs, national associations of manufacturers, steel, coal, cotton and other institutes minded their business pretty closely although participating members were burning their fingers pulling plums out of political pies and engaging in all sorts of anti-social activities. The national and local organizations themselves usually stood for good, clean, honest business; they wrote ethical codes; they proclaimed their patriotism; but they did not as a rule issue social, economic and political encyclicals, or even make suggestions outside the business sphere.

The same was true to a certain extent of parallel European organizations. The latter were, it is true, more closely linked with government, but it was not until 1920, for example, that Italian Fascism

was subsidized by the Industrial Association, the Chamber of Commerce, the National Association of Manufacturers, and the banks of big business. In that year they took over Mussolini's patriotic movement for the immediate purpose of preserving their profit system. They leagued all the robber barons, the merchants of death, the exploiters, the reactionaries, the nobility, the plutocrats, the idle jobless officers, the social parasites and plain blackhanders to defend, uphold and preserve the status quo and make it continue to pay dividends.

European business, being much more accustomed to *real politik* than American, and having no necessity for hypocrisy, did not rally round the flag, sing patriotic songs, and start a red scare when it established its first Fascist government. In 1920 Mussolini's Blackshirts were employed by big business for the purpose of smashing the co-operatives, the socialist unions, the socialist labor party, the labor unions; but it was not until 1925, when Italy needed the Morgan loans, that the Communist Myth was originated by American and Italian publicity agents of the new régime. This myth declared Italy to have been menaced by "reds" when the Fascist arrived.*

In the United States, however, an enlightened people would never for a moment rise to the defense of a group of businessmen who announced that they were organizing a committee for the purpose of defending their money, privileges, property, and planning an attack on the disinherited, the dispossessed, the underprivileged, and the rights of labor. It is therefore necessary for the superpatriots to fool as many people as much of the time as possible, and this is exactly what their propaganda aims to do.

When the Chamber of Commerce of the United States began its red-baiting activity in the disillusioning days following 1929, it also began the compilation of a "Subversive Activities Mailing List." Without the Chamber of Commerce's knowledge, a recent copy of that list was obtained by a liberal who sent it to the Civil Liberties Union. The persons and organizations on the Chamber's roll parallel the list of robber barons and reactionaries who joined to overthrow democratic government in Italy, in Germany, and later in Spain.

Think of a noted American reactionary, a friend of Fascism, an enemy of labor, or a superpatriot and you are sure to find him in the

* Mussolini, who in his 1927 autobiography repeats the myth, himself wrote, that Bolshevism was dead (Editorial, *Popolo d'Italia*, June 2, 1921).

“Subversive Activities Mailing List” of the Chamber of Commerce. Many of the subsidizers of the Liberty League, the Crusaders, the red-baiting obscurantist editors, the employers of the private armies of thugs and detectives in labor wars, and their blood brothers, are there. For example:

The Du Ponts, represented by:

Jasper E. Crane, Vice-President of the powder concern

Edmund E. Lincoln

The patriots, represented by:

Homer L. Chaillaux, American Legion

Major Bettelheim, Jr., Military Order of the World War

Victor R. Devereaux, Veterans of Foreign Wars

Daughters of the American Revolution

Lieut. Col. Hadley, President of the Paul Reveres

Lieut. Col. Howe, Reserve Officers Association

John T. Doran, Secretary of the U. S. Patriotic Society

Harry A. Jung, American Vigilant Intelligence Federation

(His letter offering to distribute anti-Semitic literature in wholesale lots has been published)

William Randolph Hearst

Col. R. R. McCormick, of the *Chicago Tribune*

The government, represented by:

Admiral Standley, Chief of Naval Operations

Lieut. Col. C. T. Harris, Jr., War Department

Lieut. Com. Clement, Navy Department

Rear Admiral Yates Stirling, Jr.

The Propaganda agencies, represented by:

Walter Steele, of the *National Republic*

Margaret Kerr, Better America Federation

Fred T. Clark, National Commander of The Crusaders

John B. Trevor, President of the American Coalition

Big Business, represented by:

L. R. Custer, Bethlehem Steel

R. H. Patchin, of W. R. Grace & Co.

E. A. Baily, Brooklyn Edison

John B. Reynolds, Cement Institute

W. H. Oldham, Republic Steel

Silas Strawn

The Chamber's committee for "Combating Subversive Activities" consists of: Felix M. McWhirter of the Peoples Bank of Indianapolis, Philip J. Fay of San Francisco, Adolf Schleicher of U. S. Rubber, Silas Strawn, John C. Harding of Chicago, Fred H. Clausen of Horicon, Wisconsin, James A. Farrell, Lewis E. Pierson of the Irving Trust, W. C. Teagle of Standard Oil and Worrell Wilson of the Seattle Trust Company.

Among the actively interested persons and organizations in this committee are persons on the aforementioned mailing list and also H. D. Hill of Republic Steel, Paul R. Hooper of the Independent Eastern Torpedo Company, the J. I. Case Company, Colonel Divers of Anaconda Copper and Jasper E. Crane of Du Ponts.

Many of these names appear again on the rosters of the Liberty League, the American Legion, and the superpatriotic organizations which are called enemies of America's civil liberties by the various church and libertarian organizations. One of the big differences, however, is the frankness with which the Chamber uses patriotism plus red-baiting to further commercial ends, as compared to the hypocrisy of its affiliated superpatriotic organizations.

In the Chamber's first report on red-baiting no less than twenty-six laws favored by this body are listed as pending in Congress. In many of these bills criminals, communists, radicals, aliens are lumped together indiscriminately, and in only one of them is the fascist lumped with the communist. I think this is the best indication of the hypocrisy and corruption of the whole business of repressive legislation. The cleverer red-baiters, like Mr. Hearst, have covered their tracks somewhat by listing as enemies of the republic all they considered advocates of dictatorship, usually adding Nazism as an afterthought and Fascism grudgingly, but nevertheless including these two "subversive" elements so as to give their attack the appearance of true Americanism. Now if Communism is a plot to establish a dictatorship of the working class, then Fascism is a plot to establish a dictatorship of the Chamber of Commerce class (putting it roughly but quite truthfully), and Nazism is a plot to establish a dictatorship of Wotan-alone-knows what class, but certainly not the working class. Why therefore does the Chamber's anti-subversive campaign fail to attack Fascist elements? Can it be that American big business men already realize their kinship with the Olivettis, Pirellis, Thyssens and Krupps of Italy and Germany?

The red-hunt of the 1930's culminated in 1935 and 1936 in the production of dozens of bills in Congress. They began making their appearance almost immediately after the Chamber had spread its propaganda pamphlet on "Subversive Activities," a few weeks before Congress opened in 1935. No sooner had the business-chauvinists spoken than the Congressional errand boys began their act. Six bills were introduced making it a crime to be a Communist or to advocate a radical social change, and if the victim were an alien he would be deported immediately. Seven additional bills were introduced against aliens, and one to turn Congressman Dickstein's committee, originally intended to hunt Hitlerites, into a permanent red-baiting body. Congressmen Tarver and Ramspeck of Georgia, Fulmer of South Carolina, Blanton of Texas, Taylor of Tennessee were the authors and sponsors of bills the cumulative effect of which would have been the outlawing of all social-political thought outside the majestic brand which belongs to the Republican and Democratic Parties. America would have been exactly where Italy and Germany are today, except that instead of one Nazi or one Fascist party we would have had one of the same character under two names.

The reactionary attitude of the Chamber toward free speech was completely illustrated in the incident involving the Town Hall of Washington, D. C. This organization intended to hear social and political matters discussed from all points of view and obtained from the U. S. Chamber of Commerce the use of its auditorium for the open forums. Among the speakers listed were Lewis Corey and Maurice Hindus, writers and authorities on Russia, and Norman Thomas, Socialist candidate for president. This list fell into the hands of Silas Strawn, and shortly afterward permission to use the hall was withdrawn. A committee headed by Huston Thompson, chairman of the discussion group, called on Mr. Strawn who, according to Thompson, said: "We are not in favor at all of some of your speakers."

Labor considers the Chamber of Commerce unfriendly, an enemy of the people. And if the national body is considered reactionary, repressive to rights and liberties, and anti-social, its component parts, being more provincial, are proportionately more inimical to labor and to the public.

Take, for example, the Brooklyn Chamber of Commerce. When an organization of leading advertisers is caught in actions it prefers

to keep secret, it is rarely given publicity in the press. But so scandalous were the charges against the Brooklynites in 1935 that one or two newspapers did publish their peccadillos.

In the complaint of Mrs. Elinore M. Herrick of the National Labor Relations Board against the Atlas Bag & Burlap Company, one of the charges was that, with the aid of the Brooklyn Chamber of Commerce, it had set up a company union which worked to defeat bona fide collective bargaining. "This complaint," said Mrs. Herrick, "is of particular significance. The interference complained of with respect to the workers' choice of a collective bargaining agency is characteristic of some 300 such company unions and collective bargaining agreements which L. I. Balleison, industrial secretary of the Brooklyn Chamber of Commerce, has frankly stated to me he had organized among both members and non-members of the chamber." The complaint further states that workers were forced to accept conditions imposed by the company union, and they were threatened with discharge if they did not sign the contract dictated by the company and Balleison.

Still more sensational was the exposure of the Cleveland Chamber of Commerce by the *Philadelphia Record*, under the general headlines, "Silk Terrorist Régime," and "First Stirrings of a Fascist Movement." It was disclosed that the Chamber had organized a red-baiting unit known as "The Secret Seven," "a super law-enforcing agency which was not responsible to any normal law-making or enforcing body." A committee, which investigated, added that the Cleveland Chamber "is ready to deal directly and by force" with persons and organizations it does not approve of, and the *Record* declared (April 29, 1935) that Samuel H. Deutsch, county commander of the American Legion, had announced that several posts were drilling in uniform "to be prepared to smash" an uprising, and that arms were available at a local armory.

Then there is the New York State Chamber of Commerce which the metropolitan press calls "conservative and rock-ribbed" and which is additionally ridiculous and childish, or perhaps senile. Its committee on education which had been studying legislation pending in Albany, one day proposed that the body go on record in saying the following laws were *not* necessary:

That State support be withdrawn from schools permitting "subversive" teaching.

That the American flag be displayed in every school classroom.
That all school buses be painted red, white and blue.

The reaction to the liberal committee's report was explosive. The whole reactionary chamber became indignant. Captain John B. Trevor called the recommendations "one of the most sinister documents ever placed before this body. It makes the Chamber of Commerce a part of the united front presented by the Communist Party. If there is a red-blooded man left he will support the motion to table this report." All the red, white and blue blooded men overwhelmingly tabled the report. (They also voted to condemn the Federal proposal to tax corporation surpluses.)

In New Jersey various Chambers of Commerce replying to a questionnaire from the New York Board of Trade agreed that when relief work was stopped nobody starved. That same day the press reported the death by starvation of a three-year-old child in Hoboken.

The activities of west coast Chambers in strikebreaking and vigilante terrorist action have been reported frequently. At a recent meeting of representatives of the San Francisco Chamber of Commerce, the Industrial Association, and the police department, one of the subjects intensely discussed was the loyalty of the National Guard to big business. Doubts were expressed whether Guardsmen could be relied upon to kill pickets and strikers in the future. One super-Republican member even doubted the reliability of Federal troops "with that communistic government of ours in Washington."

Businessmen's fears are well expressed by an editorial in the April 22, 1935 issue of the *Pacific Shipper*, George E. Martin editor. "Awake, businessmen of the Pacific Coast!" it exclaims, "Do you realize that one by one the industries of this area are being picked off for subjugation by labor unions dominated by men who envision the overthrow of the economic and political system? . . . A lone industry, (such as shipping, last summer) is thrown into a conflict against the combined forces of organized labor. . . . Local capital has been frightened out of expansion. . . . There is very grave danger that the industry will belittle or evade the issue until it is either too late to save capitalistic industry at all, or necessary to apply loathsome Fascistic remedies."

Here again you have the evidence that it is organized labor that business is attacking under the pretext it is fighting "subversive organizations," and here for once you have an honest admission on the

part of business that its desperate weapon "to save capitalistic industry" is "to apply loathsome Fascistic remedies."

Fascistic remedies are being prepared everywhere in California by its businessmen. In Berkeley, seven thousand persons have already enrolled in the Nationals, pledged to fight "subversive elements" — the Industrial Association defining the adjective *subversive* as labor militancy in seeking better working and living conditions. The Chamber of Commerce in spring, 1936, repeated its 1935 request for a large fund to fight labor.

In a survey of local Chambers of Commerce made by Evelyn Seeley,* she notes that although the intensity of their repressive tactics varies geographically, the pattern of their work is always the same, and consists largely of strikebreaking, red-baiting, company-union promoting which sidetracks real unionization, promotion of "runaway shops" which lower wages and demoralize working conditions, open-shop propaganda, interference with academic freedom, and fighting "subversive" activities. New armories are part of the local Chambers' programs. Miss Seeley reports that "Charles Mariner recently boasted to the Hi-Twelve Club of San Jose that the California State Chamber of Commerce had spent fifty thousand dollars in labor disturbances, 'framing' organizers when evidence was not sufficient to convict them, and using physical violence when necessary. Mariner, according to Alfred Aram, a San Jose attorney, who wrote to Attorney General U. S. Webb demanding an investigation, clearly implied that the purpose of such physical violence was to bring home to the persons involved the pressing necessity of choosing between physical safety and constitutional rights."

Santa Clara County is now known as the cradle of American Fascism.

Miss Seeley lists among Chamber of Commerce activities the purchase for city police of machineguns and tear gas which will be used against labor, radio addresses by lecturers hired by locals to attack labor, opposition to all government-owned utilities, and leading participation in almost all the Committees of Safety, Citizens' Committees, Committees of 500 and other numbers, all of which are merely disguises for commercial profits.

The evidence is overwhelming that the United States Chamber of

* *Nation*, April 15, 1936.

Commerce and its state and city branches are extremely active in the very same way that their colleagues were in Italy, before and after the day they bought up Mussolini's armed forces. This conclusion is shared by an important official of the United States Chamber of Commerce, who has prepared the following confidential report on its red-baiting Fascist activities, which I am able to present, although I cannot at present disclose the identity of the liberal Chamber of Commerce official who wrote it:

The red-baiting campaign is being fostered by over 150 organizations. The number is growing daily. Chief among them are the American Legion, the Veterans of Foreign Wars, and the Daughters of the American Revolution. The Chamber of Commerce of the United States has joined the red-baiting racket by the back door. The cooperation of this organization serves to give a dignified front to the racketeering.

Significant fact that committee combating subversive activities is a subcommittee of committee on national defense. National defense, means incidentally if not primarily, war profits and war business. Is it a mere coincidence that the merchants of death are the men who pay a large part of the cost of national defense committees and red-baiting organizations?

Regarding the Chamber of Commerce series of gag and red-baiting legislation, the American Federation of Labor describes them as having "all the elements of strikebreaking or union crushing proposals." The bills would promote industrial espionage and extend espionage into churches and schools.

Among the purposes of the patriotic-commercial groups are the following:

1. To connect communism, pacifism, atheism, socialism, liberalism; to brand all workers for peace and international law as subversive elements.
2. To stigmatize all persons and organizations, which desire a better social order, attempt social amelioration, or demand economic reforms, as communists.
3. To fight the New Deal. To fight President Roosevelt by denouncing all administration plans and reforms as part of the Moscow madness.
4. To arouse nationwide fear, suspicion, race hatred, as a

background for emotional propaganda for increasing fascist financial and industrial encroachments upon constitutional and civil liberties.

In the industrial field armies of professional strikebreakers, private detectives, deputies, sheriffs, police and national guardsmen, coal and iron police (which Governor Pinchot who disbanded those in Pennsylvania called "gunmen, thugs, felons, and professional troublemakers") exist in all parts of the United States. Testimony before a Senate committee revealed the fact that state police were organized along military lines in about twenty states, and that "the machinery by which mouths are gagged, presses stopped, assemblage broken up, and working class organizations persecuted is all intact ready for use."

The numerous federal and state laws purportedly aimed at communism and criminal syndicalism are so loosely drawn they can be invoked by a fascist industrial dictatorship to suppress civil liberty, freedom of assembly, of speech, the press, and even trial by jury.

Numerous military and commercial vigilante leagues have been organized for espionage purposes. They are supported by militant industrialists and compile blacklists of pacifists and red lists of communists and socialists and New Dealers. They cooperate with the intelligence divisions of the War and Navy Departments. The Army and Navy intelligence service is particularly active in factories supplying munitions and war materials. When this governmental detective service reaches the point of reporting pacifist addresses of educational and religious leaders, it may be said already to have reached the fascist stage.

Plans have been formulated for the military organization and control of every county in the United States.

The legal and military machinery is being deliberately set up for the purpose of establishing industrial and financial fascism in this country.

When the legal machinery of gag laws silences public protest, then all that reactionary governors or a reactionary president will have to do will be to declare the "state of national emergency" provided and prepared for in industrial mobilization legislation, and Fascism will be here.

The fact that the legal and military machinery of Fascism is being promoted by definite plans and with millions of dollars behind it, warrants an investigation by Congress as to the sources of this seditious scheme to overthrow the government by force and violence.

All the foregoing general charges against the national Chamber were proved true for one of its affiliates when the Jersey City organization supported Mayor Hague, who had taken the law into his own hands in an attempt to smash the labor movement in 1938.

Chapter 7. THE PRESS VS. THE PEOPLE

ONE of the most hackneyed expressions of the era beginning with the dispute over the publishers' code under the ill-fated N.R.A. is "freedom of the press." And yet it is a subject which should be uppermost in the minds of all the people of the United States. Because, obviously, if the contention that the free press is the bulwark of all our liberties is true, then the country is safe, unless there is proof that the bulwark is faulty, corrupt, or crumbling. For all good citizens such proof should be a call to the journalistic barricades.

It is the contention of Arthur Robb, the editor of *Editor & Publisher*, that ninety-five per cent of the press is "honest, fair and accurate"; that five per cent is guilty of "sins of omission and commission."

It is the contention of the American Newspaper Guild that the figures are just about the other way round.

It is the opinion of the present writer that it is a vast exaggeration to say that ninety-five per cent of the press is honest, fair and accurate. To give but one simple example, it is a fact that the two New York Hearst newspapers altered the United Press despatches from Spain, substituting the word *Reds* for *Government* and thereby proving that twenty-five per cent of the press of the metropolis was neither honest, fair nor accurate.

The question to be considered here, however, is not that of the honesty, accuracy, or freedom of the press in the classical sense; it is the ultimate question about the newspapers of any country: are they the friends or the enemies of the people? The evidence all investigators can obtain with little effort proves that almost all the newspapers of the country are business concerns, placing profits above public welfare.

Anyone wishing to challenge this statement is advised to read in advance the seventy-two volumes of the government's investigation of the public utilities system of corrupting the mind of the nation.

For this purpose the sum of \$25,000,000 a year was spent in bribing and corrupting the press of the United States. One of the twenty-eight directors of this campaign may have been boasting or exaggerating when he wrote that the utilities had "reached" four-fifths of the newspapers of the United States, and that only one newspaper out of seven hundred in the State of Missouri had been unbribed. There are millions of lines of evidence that a majority of our newspapers betrayed the public by serving the public utilities.

This business is still going on. Although there is no evidence now of a \$25,000,000 a year corruption fund, such money is no longer necessary, inasmuch as newspaper publishing has itself become a big business, closely associated with other big businesses, and united with them in a common purpose. The verses of the British poet, Humbert Wolfe:

You cannot hope to bribe or twist,
Thank God! the British journalist.
But, seeing what the man will do
Unbribed, there's no occasion to —

are totally wrong today if applied to American journalists — and to most Britons also, I believe — but they are a pretty accurate picture of the American as well as the British publisher. In the old days, publishers were bribed; today there's no occasion, since they all belong to the same outfit.

The history of the American Newspaper Guild offers the best proof that the press is the enemy of the people, and that the bulwark of our liberties is therefore collapsing. The Guild's Campaign in 1937 showed definitely that the issue was Newspapermen versus Newspapers, civil liberty versus oppression, labor versus capital, liberalism versus reaction. This warfare, naturally, is not reported in the daily news, but nevertheless a large portion of the public is becoming aware that the publishers serve only themselves and affiliated business interests, whereas the writers, with the exception of a minority, have a social conscience, uphold an ethical code which the publishers honor only in the breaking, and follow a course which is making them leaders in the present social and economic conflict.

This great change has come over journalistic America very recently. In 1935, when in *Freedom of the Press* I contended that the

corrupting forces — advertising, patent medicines, the public utilities, the oil and political interests combined, propagandists and big business in general — had gained control of a majority of the newspapers, there was considerable sneering and numerous amusing fits of violence among book reviewers and special writers, many of whom have since had to choose between the Guild and Reaction; but in the past three years the writer has received hundreds of letters from newspapermen filled with information, clippings, documents, photostats and offers of corroboratory evidence and new materials of a sensational nature. Three heads of Washington bureaus of great papers sent in evidence of suppression and corruption of news by agencies or journals. Anonymous letters from colleagues declared jobs would be lost if it ever became known they were informing me of news crookedness in their own offices. Seven heads of schools of journalism wrote in confirming my contention that the majority of the press served its own or special interests.

Here is a comparatively important illustration. The publication of the will of the widow of Whitelaw Reid, owner of the *New York Herald Tribune*, bore out my previous contention that unseen ties were making powerful organs of public opinion mere agents of big business. The will showed that assets of May 26, 1934, included \$16,210,809 in securities, including public utilities, steel, Standard Oil, railroads, Mexican and Cuban bonds, etc. I then stated that “every move the American government made toward intervention in Cuba or Mexico affected Whitelaw Reid’s and Mrs. Reid’s Mexican and Cuban investments. Every adverse policy of the public utility commissions or President Roosevelt is a blow to the utility portfolio of the Reid estate.”

January 8, 1935, a strike occurred at the National Biscuit Company. The bakers’ union published a statement declaring that the company “deliberately violated union agreements forcing a strike of 6,000 union employees in five cities. The National Biscuit Company locked out its 6,000 employees, . . . has refused to bargain collectively . . . has dropped the life insurance paid for ten years by its employees . . . has refused offers by city, state and federal agencies to call a joint conference . . . wants lower wages for its employees . . . seeks to dismiss aged and infirm . . . has scabs and gunmen delivering crackers. . . . The National Biscuit Com-

pany [Ogden Mills is a director] frustrates governmental agencies."

The news of this strike was almost completely suppressed in the five cities concerned. The case for the strikers was never published. A strike parade in Newark which covered twenty blocks was not even mentioned in eight New York dailies. Only when violence occurred did the story get into the press, and then in most instances labor was blamed. There was the episode of several overturned trucks. When the picture appeared in the columns of Hearst's *Daily Mirror*, the name of the National Biscuit Company was carefully omitted from the accompanying caption but, on the other hand, the workers were charged with vandalism.

The bakers' union and the liberal weeklies were of the opinion that the directorship of Ogden L. Mills in the National Biscuit and the directorship of his relative, Ogden Reid of the *Herald Tribune* in the Mills Estate, Inc., was responsible for the oppressive silence of that newspaper. This was a supposition. But the following two facts are not suppositions: In the biannual statement of the *Herald Tribune*, Mr. Mills is listed among the owners, and in the list of stock holdings of the Reid estate will be found:

54,250 shares National Biscuit Co. common	\$5,971,218
plus dividend	58,975

In other words, the owner of the *Herald Tribune* owns some six million dollars' worth of National Biscuit stock, making him one of the men most vitally affected by the strike. Naturally he serves his own interests by suppressing general news about it and headlining charges of violence. He does not serve the people — neither the six thousand on strike, nor the millions who eat biscuits.

The leading anti-labor paper in America is the *Los Angeles Times*. In 1929, its gross receipts were more than \$29,000,000, the largest of any newspaper in the country. When Harry Chandler and his wife, Marian Otis-Chandler, inherited this property, they announced that "in so far as human power and limitations will permit, the *Times* will be conducted in harmony with the indomitable spirit, high ideals and well-considered injunctions of its great architect and builder, Harrison Gray Otis."

The high ideals and injunctions were then quoted. Otis had announced the policy of the *Times* as follows: "Scourge as with a whip

of scorpions dishonesty, pretense, hypocrisy, scoundrelism, treason to Truth and the country and every form of evil that threatens with destruction the home, the community or the country, and at the same time encouraging every sound tendency and condition on high and right lines. . . . Fear God and do right."

Harry Chandler is the leading member of the strikebreaking unit of the American Publishers Association.

He is a leading red-baiter.

Naturally, he is a reactionary.

Many leading editors desire interference in Mexico. Ever since the dictator, Diaz, who sold his country to foreign capital, was overthrown by the people of Mexico, there have been numerous interests in the United States favoring intervention, military control, even complete annexation of the southern republic. "Order" and "Patriotism" have usually been advanced by newspapers as motives for such action. Of course anyone who is not an ignoramus could suspect, and all who investigated the situation knew, that the financial motivation for all the Mexican activities was then, as it is today, the protection of oil, silver, copper and other interests, most of which were obtained from the corrupt Diaz régime.*

In addition to interfering in the internal affairs of Mexico, Harry Chandler is the leading upholder of the rights of the landowners and packers of California, the chief enemy of the agricultural workers. All his activities are done in the name of honesty, integrity, the salvation of the home, the community, the country. He is terribly afraid the reds will get a foothold in California. He is for child labor as "the greatest training school for city-bred boys in existence."

Can there possibly be a financial reason for the views and activi-

* Copies of the documents of the case of the Huesteca Petroleum Company (one of the Doheny group) versus the vice-president of the Compania Mexicana de Combustible, S.A., Mr. William H. Mealy, have been furnished me by Robert Hammond Murray, for many years *New York World* correspondent in Mexico City, and later chief witness in the Senate Investigation of the forged documents published by the Hearst press. The oil documents consisting of sworn statements, evidence in lawsuits, and interpellations in the Mexican Congress, show that American corporations hired gunmen to shoot the Mexican owners of oilfields who refused to sell out, and on one occasion to poison an owner who had been shot but not killed. "Probably ninety per cent of the titles of the Huesteca company are usurpations," one of the documents declares.

ties of Harry Chandler and the *Los Angeles Times*? Can the motivation for invasion of Mexico, red-baiting, vigilante-fostering, anti-labor editorials be nothing but the Chandler money bags? The reader can judge for himself, not from the accusations of radicals, but from a straightforward report in the conservative weekly *Time* (July 15, 1935):

"In the 18 years that he has had sole control of the *Times* Harry Chandler has proved himself not only a capable newspaperman manager, but also an inspired capitalist. Back in 1899 he launched a syndicate which bought up 862,000 acres in Lower California. He and his associates built Hollywood, founded a vast agricultural colony at Calexico which produced \$18,000,000 worth of cotton in 1919. He owns a 281,000-acre ranch in Los Angeles and Kern Counties stocked with fine cattle, a 340,000-acre hunting preserve in Colorado, an interest in another 500,000-acre sporting preserve in New Mexico, is officer or director in 35 California corporations, including oil, shipping, banking. The whisper, 'Chandler's in it,' signifies a good thing to most California businessmen."

As for William Randolph Hearst, he is two hundred times a millionaire, and one of the most important industrialists in the United States, as well as the owner of two score publications. Mr. Hearst has been the bitterest opponent of all the Mexican presidents who have succeeded Diaz. His championship of Catholicism has served him as a fine religious cloak under which to hide his fears for millions invested in land and minerals during the corrupt rule of the tyrant.

Of course I would not care to make the statement that all publishers who are heavily involved in other businesses, and in the directorship of companies, always protect their financial interests at the expense of the public. But apparently this is true in many cases.

The danger to our liberties arises when business gains the control of what is generally admitted to be the greatest bulwark of freedom, the press. The danger is even greater when the owners of newspapers who have become businessmen, use the press as an instrument against the people.

In its dealings with its own employees, who have organized the American Newspaper Guild, the newspapers of the country, with a very few exceptions, have shown themselves inimical to union labor

in general as well as to the union idea among "gentlemen" workers. In the fight against the ratification of the Child Labor Amendment by the states, the newspaper owners' association has shown itself hypocritical as well.

The largest field of child exploitation at present is the newspaper field, and two quotations of cause and effect tell the story pretty well. "Boys under twelve years of age engaged in selling newspapers in 1934 averaged 82 cents for 18 hours of work per week," says the report of the Children's Bureau, United States Department of Labor. "Recently I had a census taken here in Sing Sing to determine the number of inmates who had sold newspapers in their youth. . . . Of the 2,300 men, over 69 per cent had done so," reports Warden Lawes. But the newspapers, an industry which will now be seriously affected by a law prohibiting the use of child labor, stand to lose some money; therefore, not only are they using their power to prevent the passage of the constitutional amendment, but they issue statements calling newsboys "little merchants" and their work in the streets the great schools of experience for later success. Moreover, the red flag is raised, the proposed amendment is termed the "sovietizing of American youth" and the amendment itself is called the work of a sinister hand in Moscow.

The best and most complete proof that the American press is the enemy of the American people is the history of the fight for pure food and drugs. In 1906, the free magazines led the fight for the Harrison law which abolished opium from baby syrup and stopped other criminal acts of the poisoners, but the "free" press either kept silent or ridiculed the measure.

For three decades the manufacturers of vicious or worthless goods have found means of defrauding the American people by circumventing the law. They still have to tell a few truths about their products on the packages, but they can lie and cheat in their advertising.

The purpose of the Tugwell Bill was to prevent the continuation of this attack upon our pocketbooks, our health, our lives. The evidence against the patent medicine men was so overwhelming that it would be no exaggeration to say that if the whole parasitic business were sunk at sunrise our country would be a better place to live in.

But the industry has grown powerful. Its control of the press has

increased. It is generally estimated that the annual advertising bill is \$1,500,000,000. Of this amount \$500,000,000, or one third, is fraudulent according to a Federal Trade Commission report. And according to Frank A. Blair, president of the Proprietary Association which claims it has eighty per cent of the package medicine industry as members, its advertising bill was \$345,000,000 in 1932, one of the worst depression years. From such statistics it is easy, therefore, to suspect that the major portion of fraudulent advertising is that of the patent medicine companies.

The newspapers carry the greater part of this fraudulent advertising. Very few refuse to give their columns to this vicious exploitation of their readers, and even those which do not carry the advertising of *dangerous* goods never hesitate to take the advertising of *worthless* goods, and even a smaller number scrutinize the false claims of the makers of useful goods.

The introduction of the Tugwell Bill marked the first break between the President and the press. In 1933, the publishers had marched in the New Deal parade and pledged non-partisan support to a program of social security, tremendous reforms, the emancipation of labor, a fairer economic system. Now, instead of searching their hearts, they were looking into their pocketbooks. Paul Block, one of Hearst's associates, raised the red flag against Tugwell in all his newspapers; the Hearst press, which had helped elect Roosevelt, deserted him. Even Mark Sullivan, once a liberal, used his daily column in the *New York Herald Tribune* to attack Tugwell for the reason that he was listed as an associate editor of the liberal *New Republic*.

The American Newspaper Publishers Association, assembled in convention, went on record in opposition to the Tugwell Bill. Of course they reiterated their ethical principles, declared they believed in truth in advertising, picked minor flaws, quibbled over words, and proposed changes. But they actually showed that they were opposed to legislation which would interfere with profits.

Further proof of the anti-social attitude of the newspapers of our country is found in the suppression of news unfavorable to the food and drug fakers. It does happen that despite the failure of the Tugwell Bill it is sometimes possible for the federal government to prosecute men and corporations whose advertising is fraudulent and whose

products poison and sometimes kill newspaper readers who believe in advertising.

The government issues "cease and desist" orders. The publication of their text is privileged. Any newspaper or other press can publish the whole or part of the text in the same manner as it can republish the Congressional Record or Congressional Committee hearing reports. In other words, those who know very well that fraud, chicanery and worse is practiced by advertisers, and who are afraid to expose them for fear of ruinous suits in the courts, are relieved of that fear by prior official government publication.

But the proof that the press is the enemy of the people lies in the fact that it not only takes the vicious money of the fakers and poisoners, but it hides, buries or totally suppresses the news when the fakers and poisoners are exposed.

Only liberal and radical publications, including newspapers, protect the public. Consumers Union and Consumers Research, for example, can issue confidential bulletins naming names and exposing medicines. The American Medical Association in its *Journal* goes about as far in open publication and defies libel suits. *The Nation*, the *Peoples Press* and the *Sunday Worker* have weekly departments in which they reprint the government orders. From these sources I am supplementing the illustrations I gave two years ago of news suppression. At that time I noted the fact that an order of the government against the Bayer Aspirin Company was buried alive in the financial section of the ultra-respectable *New York Times* which publishes Bayer advertising, and placed on page 1 of the *Brattleboro Reformer* which does not get Bayer advertising. So far as I have been able to discover by daily diligent searches, none of the following items concerning big advertisers appeared in any New York newspaper except the liberal *Post*:

The *Musterole* Company will stop advertising that *Musterole* penetrates to the seat of trouble and prevents chest and croupy colds from becoming serious, and that there is no muscular pain or sore throat too severe for *Musterole*.

Pine Brothers will stop advertising that its Glycerine Tablets will stop coughing instantly, and that *Orasol*, a mouth wash and breath purifier, is an antiseptic.

Pro-Ker, a treatment for baldness and other hair troubles,

will no longer be represented as capable of making the scalp healthy or preventing hair from falling out.

Health Products Corporation, distributors of *Feen-a-Mint*, the Chewing Gum Laxative, will discontinue claims that Feen-a-Mint relieves constipation satisfactorily and is the most scientific way to get rid of constipation and headaches.

The *Jergens*-Woodbury Sales Corporation will discontinue advertising its facial cream as a new or unique protection from the danger of blemishes or as giving to an aging skin the appearance of "supple youth," and will no longer assert that "Element 576" in Woodbury's Cold Cream causes the oil glands beneath the skin's outer surface to function better.

The foregoing is Ruth Brindze's summary (*Nation*, December 18, 1935) of Federal Trade Commission orders. The reader will note it names corporations which spend millions in newspaper and radio advertising.

President Roosevelt, when he urged the passage of pure food and drug legislation recently, said that "the great majority of those engaged in the trade in food and drugs do not need legislation — they observe the spirit as well as the letter of the existing law — present legislation ought to be directed primarily toward a small minority of evaders and chisellers." Readers who are of a like opinion should take up the reports on the entire patent toothpaste industry by the Council on Dental Therapeutics of the American Dental Association as presented by Dr. Bissell B. Palmer. This is what it shows:

Kolynos cannot whiten teeth in three days or three thousand days.

Pepsodent cannot "remove film," and even if it could, it is not certain whether such removal would be beneficial.

Calox's "oxygen bubbles" are just copywriter's hot air and practically valueless in cleaning teeth.

Ipana's "pink toothbrush" is an advertising bogey and its paste is no more valuable in gum massage than a clean finger.

Forhan's cannot cure pyorrhea, an ailment which requires surgical treatment.

Squibb's cannot prevent caries (tooth cavities) since caries

are present even in clean teeth and are chiefly due to faulty diet.

Colgate's cannot remove "seven stains" because there are not seven causes for stains.

Pebeco, Bost and Phillip's Milk of Magnesia Tooth Paste cannot alkalize mouth acids, except for a few seconds, even if this were desirable.

The foregoing list names every well known nationally advertised dentrifice except Iodent. And here are the other nationally known advertised products against which the Federal Trade Commission has proceeded and obtained results:

Cocomalt has agreed not to claim in future advertising that it contains all the elements necessary to growth of children and will increase energy, vitality and weight in all cases.

Stanco (Standard Oil) has agreed to discontinue representations that Mistol Drops is an effective remedy for colds or sore throats.

The Federal Trade Commission cease and desist order against Kruschen Salts, to prohibit representations that it is a cure or remedy for obesity, was fought in the United States Circuit Court of Appeals which upheld the government agency.

Edna Wallace Hopper Inc., engaged in the manufacture of cosmetics, agreed to discontinue advertising that "Special Restorative Cream" will restore the oils of youth to the skin or supply the skin with natural oils, or keep the skin young and free of wrinkles or age lines.

Elizabeth Arden Sales Corporation, Elizabeth Arden, Inc., and Florence N. Lewis ("Elizabeth Arden") agreed to cease representing their Venetian Eyelash Grower or Ardena Eyelash Grower as a stimulant to the eyelashes or as encouraging the growth of eyelashes or eyebrows. Readers of the confidential reports of Consumers Research are already acquainted with the chemicals used in other Arden products.

The Poslam Company has promised to cease and desist from representing Poslam as a competent treatment for eczema and other skin ailments.

Scores, hundreds of similar instances can be found in the publications I have named — but not in the newspapers where the same manufacturers continue to advertise, more or less within the law.

The City of New York tested and prepared a report, known as a "black list," of forty-eight medical products and seventy-one cosmetics, many nationally advertised, containing ingredients which have caused or might cause injury or even death to users. The *Peoples Press* circulated a petition addressed to Mayor La Guardia and signed by many citizens which asked that the city give the press the entire contents of its report. "Whenever in the past, public officials have encountered such a problem," said the letter, "almost invariably they have chosen to protect the poisoners. This was the choice President Roosevelt and the members of the United States Senate made when they permitted Senator Royal S. Copeland, employee of fake medical advertisers, to emasculate the Tugwell Foods, Drugs and Cosmetics Bill without protest. . . . What is your choice, Mr. La Guardia?"

Mr. La Guardia's choice was silence. The *Peoples Press* for January 11, 1936, however, published the Health Department list, from which the following items are taken:

<i>Patent or Proprietary Medicine:</i>	<i>Dangerous Ingredient:</i>
Ammonol Tablets	Acetanilid
Anacin Tablets	Acetphenetidn
Bromo Seltzer	Acetanilid, Bromide
Ex-Lax	Phenolphthalein
Grove's Bromo Quinine	Acetanilid
Hill's Cascara Quinine	Acetanilid
Marmola	Thyroid
Phenolax	Phenolphthalein
Campana's Italian Balm	Carbolic Acid
Glover's Mange Cure	Creosote
Herpicide (Newbro's)	Salicylic Acid, Carbolic Acid
Liquid Arvon	Arsenous Oxide
Mercolized Wax	Ammoniated Mercury
Neet	Calcium Sulphide
Othine Freckle Cream	Ammoniated Mercury
Pebeco Toothpaste	Potassium Chlorate
Wildroot Dandruff Remedy	Arsenic, Resorcin
X-Bazin	Calcium Sulphide, Barium Sulphide
Zip Depilatory	Barium Sulphate, Calcium Hydrosulphide

The newspapers, self-styled friends of the people, could also obtain from federal and municipal sources documentary evidence of adulteration, misbranding, or misrepresentation of food by manufacturing and packing companies. But they almost never do so. Here are just a few examples of available government information:

Seizure of a shipment of Kraft Phenix Velveeta cheese, alleged misbranded because label stated it contained forty-three per cent butter fat, which according to the Food and Drug Administration was false and because other statements tended to mislead the purchaser into believing that "the article was essentially cheese." *

The Quaker Oats company agreed to stop representing that its product is the only protective food that is rich in the "nerve-nourishing vitamin B that combats nervousness and constipation," etc.

Twenty cases of butter sent to Boston by Armour Creameries, Inc., were found to consist "in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance." † Another shipment labeled "Armour's Star Quality Cloverleaf Full Cream Butter," seized in New Orleans, was destroyed for a similar reason.

Swift & Co. — and the reader will please recall the fact that this was the company which contributed \$10,000 to a \$100,000 campaign fund which the Chicago packers raised to give to the American Legion for the purpose of inaugurating a radical-hunt — is listed in the Food and Drug administration reports as having sent out two shipments of butter found to be "filthy and decomposed," and one in addition containing "mold, hair, insects and other extraneous matter."

Between July and December, 1935, the Food and Drug Administration confiscated a quarter of a million cases of canned salmon and issued a warning to the general public — which the majority of the press refused to publish — that an unusually high proportion of decomposed and otherwise putrid salmon was packed in Alaska in that year. Salmon seized in September and October included brands sent by the following companies: Alaska Packers' Association, Columbia River Packing Association, Puget Fisheries and Western Pacific Packing Company.

In seizure of goods as "economic frauds" the administration re-

* *Nation*, Feb. 25, 1936.

† Federal Food and Drug Administration report.

ports that Libby, McNeill & Co.'s apple butter was short-weighted; the Sunrise Dairy Products Co.'s Daisy cheese was low in fat content; the Davis Manufacturing Co.'s vanilla extract "Try-Me" was short in volume; and the Dover Importing Corporation's LEMONIA E-Z-Squeeze contained citric acid labeled as lemon concentrate.

Then there was the matter of advertising furs. The newspaper reader may not know that there is no seal in Hudson seal, no beaver in Mendoza beaver, that no leopard has had any biological relationship with leopardine, no mink with marmink and that the aristocratic seal knows nothing of the Bering seal. In fact the latter and the sealine, the Mendoza beaver, the leopardine and almost all other cheap furs — and some rather expensively priced — are nothing but the lowly rabbit, shaved, dyed, plucked, altered, rechristened, and sold to the ignorant public, through newspapers, at an enormous profit for themselves and the fakers. In November, 1935, the Federal Trade Commission ordered the manufacturers to discontinue the use of false names.

The largest automobile company in the world is General Motors. It is also one of America's greatest advertisers. In addition, it is one of the big factors in the instalment buying propaganda which was partly blamed for the panic of 1929. The General Motors Acceptance Corporation has recently used the press, radio, magazines and billboards to induce the public to buy the automobiles manufactured by General Motors on the instalment plan. "Simple as A.B.C. . . . a straightforward business transaction whereby you pay 6 per cent and only 6 per cent." But the newspapers which published this advertisement were not interested in testing it for truth; they apparently left that to the advertising trade magazine, *Tide*, which declared that the interest rate "has not been brought down to anything like 6 per cent. It is, as a matter of fact, something like 12 per cent; it used to be around 15 per cent. . . ."

The foregoing examples can be continued into volumes. It is a fact that the United States government has taken 22,000 legal actions under the Harrison Law of 1906, forcing the manufacturers of that many products to stop using poisons and to stop making false statements on their package labels.

But the government has no law by which it can prevent this same fraud in newspaper advertising.

When such a law was introduced by Mr. Tugwell, the newspaper proprietors killed it. The poison food and drug lobby in Washington spent large sums of money, it intimidated congressmen, it used the press to declare it was fighting for "the constitutional and God-given rights of American citizens to medicate themselves." And there were not a dozen newspapers free enough to tell the truth about this dirty business. Paul Y. Anderson of the *St. Louis Post-Dispatch* and then of the *Nation* did write that "without bandying words it can be stated that this measure (the original Tugwell bill) frankly challenges the sacred right of a freeborn American to advertise and sell horse liniment as a remedy for tuberculosis — or, to phrase it in a wholly different way, his God-given right to advertise and sell extract of horsetail weed as a cure for diabetes. . . . This is the sort of constitutional question which stirs men to the very depths of their pocketbooks."

The rights of the pocketbook triumphed. The American newspapers proved conclusively in this choice between their friendship to their readers — the well-known American people — and their greed for money, that they were after money — and therefore enemies of the people.

I emphasize the drug episode because it is public. But I know from my own experience and that of every one of the two or three hundred newspapers workers with whom I have compared experiences that the newspapers (with a minority of praiseworthy exceptions*) are the enemies of the people in many other ways. In the 1936 presidential campaign between eighty-five and ninety per cent of the press was anti-Roosevelt, they said, because he was many things, including the impossible combination of Fascist and Communist. But with few if any exceptions they were anti-Roosevelt because of economic, not political, fears, because of their own profits and the profits of the members of the Liberty League and Chambers of Commerce, and the fear that Roosevelt would curtail profits. This fear was cloaked in more nonsense than editorial writers have uttered in many lifetimes. I do not for a moment want to give the impression that Franklin Delano Roosevelt was the bright knight in white armor fighting the cause of the common people against the vested interests, but he was

* See Roll of Honor chapter, *Freedom of the Press* — George Seldes. (Bobbs Merrill, 1935.)

in fact the representative of the more liberal and reform element, and he did in fact favor social security legislation which had a dollar and cents effect upon the possessions of the wealthier and more reactionary elements. If there had been more intelligence among people they would have trafficked with neither Roosevelt nor Landon but organized their own farmer-labor-liberal-progressive party and elected a representative of the majority. And if there had been more honesty among newspaper publishers the campaign would have been reported objectively and honestly. The press, however, chose to flimflam the public. A majority of newspapers broke many items in the publishers' and editors' codes of ethics. It seems strange that publishers today can make any pretence to integrity after the entire reactionary press followed the Hearst newspapers in perpetrating the hoax of the chain, tag and number regimentation plan of the Roosevelt administration. This was the equivalent of the forged Zinovieff letter which cost Ramsay MacDonald his first premiership. It was as despicable a piece of fraud as has ever been tried in political history. And how many of the pro-Landon Republican and Democratic newspapers refused to be party to this last-minute desperation? Not enough to cause even a suspicion that there really exists a code of ethics among the nation's publishers.

It was, indeed, another confirmation of Sir Norman Angell's thesis, published in the downhearted post-bellum days, that the world press had already become "one of the worst obstacles to the development of a capacity for self-government, perhaps the worst of all menaces to modern democracy."

I am aware that there is a valid challenge to my inferences from the 1936 campaign. After all, it is argued, the press cannot be such a menace because the public sees through it, because the public refused to be misled in 1936, when it actually repudiated the press.

That, however, is not the whole story. In 1936, there were too many outside elements involved. The issue was not made by the press; therefore the public could not be led into a muddle so easily. And the proof that the press was still the most powerful organism in the country, and could still fool all the people most of the time, was given shortly afterward when it raised the Supreme Court issue, and settled it, too.

Here, as in the election, the press became partisan. About the same

percentage which fought Roosevelt in 1936 fought him on this issue. I am not saying which was right and which was wrong, I am merely reporting that the publishers gave up the free press and indulged in propaganda, and that this time they won because the readers were not moved by the many factors which touched them in the presidential campaign.

It is, however, a pleasure to report that the general public is uniting in a campaign against one of America's most powerful publishers.

William Randolph Hearst is a business man who has amassed a fortune estimated (by *Fortune*) at \$220,000,000 from the profits of twenty-eight newspapers, the Homestake Mining Company, Cerro de Pasco copper and Mexican estates. The Hearst press claims it has thirty million readers, that Hearst views reach more people who read newspapers and magazines regularly, see newsreels and listen to the radio, than those of any other man. Surveys have shown that thousands of Hearst readers hate his views but buy his papers. Some of them think the Hearst comics are good, others prefer the financial pages, or sports. (It must be admitted that in the box scores of the baseball teams and in the Wall Street Prices, the Hearst press is just as objective as the next newspaper.) But the Hearst boycott, begun in California, has proved that thousands if not hundreds of thousands of citizens are through with Hearst.

This boycott was the direct reaction to the Hearst red-baiting campaign which, following the natural course of such movements, began an attack on schools and colleges, liberals and intellectuals, the labor movement in general. This time labor, the churches, teachers, leading educators, leading journalists, did not answer with silence. They recognized Hearst as an enemy of civil liberties and individual rights. In 1934, following the San Francisco general strike, California labor took the lead by placing all Hearst publications on an unfair list and voting a boycott.

The Farmer-Labor-Progressive federation of Wisconsin, backing the Newspaper Guild in its strike against Hearst's *Wisconsin News* of Milwaukee, denounced Hearst as "Labor's Enemy No. 1."

The United Automobile Workers of America on May 7, 1936, placed all Hearst publications on the "unfair to labor" list in a resolution accusing Hearst papers of having "consistently used

every unfair and slanderous method of undermining the organized labor movement."

The Ministers' Council for Social Action of New York City, in announcing that the week-end of Sunday, June 28, 1936, would be devoted to sermons against Hearst, made the following official statement: "No single man has exercised so destructive and immoral an influence in dragging into the gutter those very ideals for which all religious institutions stand." The ministerial organization also proposed that Independence Day be observed throughout the nation as anti-Hearst Day.

The American Federation of Teachers at its convention in August, 1936, voted a general boycott of all Hearst newspapers, magazines, movies and newsreels.

During the *Seattle Post Intelligencer* strike in Seattle, Mayor John F. Dore referred to Mr. Hearst as Menace No. 1.

Several hundred city, state and county labor organizations and teachers' associations have passed resolutions calling Mr. Hearst the greatest enemy of constitutional liberties in America. Toledo Central Labor Union boycotted the Hearst press. Racine, Wisconsin, Trades and Labor Council put all Hearst publications on the unfair list. In every city where Hearst publishes a newspaper, labor and educational institutions have placed themselves on a similar record.

The campaign is not over. But already numerous Hearst newspapers have been suspended or amalgamated. Mr. Hearst has been forced to retreat on all fronts, his efforts to float a huge loan were hamstrung by several public-spirited citizens who protested to the Securities Exchange Commission, and he has been forced to take his name off his newsreel owing to nationwide protests against its prejudices.

Here is an instance where organized public opinion having announced a man and a press the enemy of American liberties has acted to curb and eventually disarm that enemy.

Chapter 8. THE LEAGUE AGAINST AMERICAN LIBERTY

IF THE American Liberty League meant what it says, if it really intended to carry out the noble program which its propaganda repeats, then it would disband immediately. It would be superfluous, for it has practically plagiarized the ideas of the American Civil Liberties Union.

“To preserve American institutions which safeguard, to citizens in all walks of life the right to liberty and the pursuit of happiness. Therefore to uphold American principles which oppose the tendency shown in many countries to restrict freedom of speech, freedom of the press, religious liberty, the right to peaceable assembly and the right to petition the government. . . .

“To offset the influence of any and all groups working for selfish purposes. . . .

“To preserve for succeeding generations the principles of the Declaration of Independence, the safeguards of personal liberty. . . .

“To preserve fundamental American institutions and principles. . . .

“The great objective of the American Liberty League, an organization of patriotic Americans of all parties, creeds, and classes, is the preservation of the constitutional liberties of the American people. . . .

“It is a liberal constructive body. . . .

“To inform the country if there should seem serious threat to undermine either the liberties of our citizens or the stable form of government upon which our Nation was founded. . . .

“It seeks equal rights for all and special privileges for none. . . .”

These are the purposes of the American Liberty League as declared in its voluminous and expensive propaganda sheets. The American Civil Liberties Union was founded years earlier for the same purposes. It declared it would defend the Constitution and espe-

cially the Bill of Rights for all people, regardless of party, creed and class, and inasmuch as the persons whose rights were most often infringed upon were of minority parties, minority creeds, and the weaker classes, it was natural that it defended socialists, Nazis, communists, liberals, intellectuals, foreigners, nonconformists and independents whose rights to speak, print, assemble, worship or not worship, teach, and live their own lives are always attacked by the majority — frequently illegally and viciously. In the perverted eyes of the red-baiters, of course, the A.C.L.U. became a “red-aiding” organization, but this is one of their many lies. The Liberties Union extends the same offer of aid to anti-reds as to reds, to literal and political blacks as to whites, to reactionaries as well as liberals.

In fact it was the offer of the Union to cooperate with the League that exposed the true character and color of the latter.

James M. Beck, spokesman for the League, was either stupid enough to believe its written platform, or naive enough to believe he could fool the American public with a grandstand appeal to its sense of fairness and justice.

“If and when,” he said in a great oration on October 30th, 1935, “any American, however humble, is without means to defend his constitutional rights in a court of justice, one or more of these lawyers (The National Lawyers Committee organized by the American Liberty League) will, without any compensation from any source, defend the rights of the individual.”

The next morning the Civil Liberties Union, through its attorney Arthur Garfield Hays, offered steady work to the Liberty League. There are six types of humble people who are in constant jeopardy, Mr. Hays wrote to Mr. Beck; they are usually dissenters from established institutions, their problems rarely involve property; “I have no doubt that you as a lawyer and lover of the Constitution are quite as much exercised about violation of the Bill of Rights, so far as they apply to personal liberty, as by violations when they concern property in general.” Mr. Hays then listed the six types of cases which would provide the League with daily libertarian work:

1. Questions of fair trial before an impartial judge and jury. Often these cases arise in the South where a Negro is the defendant and Negroes are barred from juries.
2. Questions arise under the interpretation of the so-called

criminal syndicalist, sedition and insurrection laws, where such laws are misused to 'get' people whose opinions are unpopular or who belong to minority races or groups. I have in mind the Angelo Herndon case in Georgia.

3. Questions arise concerning the reading of the Bible in the public schools, where, contrary to the Constitution as it seems to us, either a Catholic or Protestant Bible is the one used, thus establishing a religious preference.

4. We have cases of unreasonable searches and seizures where the authorities, in order to seize allegedly obscene or seditious literature, violate the Constitution.

5. In connection with labor disputes where cases continually arise that involve the rights of peaceful assemblage and of picketing.

6. The rights of free speech and assemblage are generally violated as applied to radicals and other unpopular groups through discrimination in the denial of permits for public meetings and parades.

Specifically, the Union asked the League to cooperate in the Tampa flogging case. There were hundreds of opportunities for Mr. Beck's promise to be translated into patriotic action, and Tampa was to be but a beginning.

The Union's appeal to the Liberty League was turned over to Raoul E. Desvernine, chairman of the lawyers' committee, who refused to help.

In its entire history the Liberty League has never done anything to defend the constitutional rights of the humble individual.

The American Liberty League is not interested in liberty.

In fact there are reasons to believe that the American Liberty League is much more interested in the greatest movement against liberty in our time, and in another chapter I will give the documentary evidence, suppressed by a congressional investigation committee, connecting one of the ruling triumvirate with a plot to upset the American republic and replace it with a Fascist dictatorship. (See Chapter 15.)

Among the first to recognize the dangerous nature of the Liberty League hypocrisy was American labor. Not only the rank and file, the liberal and left-wing labor organizations, but even the conserva-

tive American Federation of Labor, which usually plays the game with the two reactionary parties which alternately rule our country, expressed itself forcibly. "The recent campaign conducted by the Liberty League against the labor relations act," testified President William Green of the A.F. of L., "is an appeal to lawlessness on a nationwide scale." Mr. Green and Heber Blankenhorn, research expert of the National Labor Relations Board, informed a subcommittee of the Senate education and labor committee that employers' associations were spending millions on a network of spies, Blankenhorn even suggesting that the League might be allied with the spy systems and Green charging the League with inviting every employer to ignore the law.

The declaration of the League that it united patriots of all parties, creeds and classes, was challenged by all except reactionaries, the economic royalists, the big employers, the big bankers of both the Republican and Democratic Parties. In actual effect, the League was not only the mouthpiece of a class but it became that of a party. Naturally not only Democrats but Farmer-Laborites, Progressives, and independents as well as liberals denounced and exposed the organization.

Senator Robert M. La Follette, Jr., stated the obvious in 1936 when he said, "The Liberty League is not interested in the liberty of the common people. The men who are financing and directing its campaign of propaganda are interested only in maintaining their own control over our business organization and in protecting their 'right' to coin huge profits out of the general public." In 1935, the League spent more than \$389,000 or twice as much as the Republican National Committee for that year, and with the exception of a few small contributions of less than \$100, the bulk taken in, or \$439,000 out of \$483,000, was given by officers and directors of large corporations, "the representatives of huge vested interests."

Governor Earle of Pennsylvania, who had lived through the Fascist terror in Vienna and studied it in Germany, connected the Liberty League with the Black Legion of Michigan. "I saw for myself," he said, "how Fascism and Nazism are born furtively, in the dark, how they develop through just such organizations as the Black Legion, distorting prejudices, rousing passions, making a mockery of the truth, finally bursting forth into violence and bloodshed.

"I say to you that the money-changers and the great industrialists behind the Liberty League and the present Republican Party leadership cannot escape responsibility for this creature of their malicious, shameless propaganda against the Government of the United States. The Black Legion is the first fruit of their campaign for Fascism, and the blood of Charles Poole is on their hands."

Commenting editorially on the foregoing declaration, the *New York Post* added: "The mendacious campaigns of Hearst, the cry of 'Communism!' from the Old Guard at every proposal to help the underprivileged, the pamphleteering of paid Nazi agents in this country, the use of spies and miniature armies by reactionary employers in their fight on labor, the financing of phoney 'patriotic' organizations are all contributing to the desperate drive for an American Fascism."

"Governor Earle hit the nail on the head."

To Democratic Party men the Liberty League became the bitterest enemy as the 1936 campaign opened. Senator Schwollenbach, for example, called its leaders "leeches, rascals, crooks and bloodsucking lawyers." * He cautioned former Governor Al Smith of New York, who had deserted his party, not to "give way to the temptation of following the advice of J. Pierpont Morgan and John J. Raskob, and Pierre Du Pont and all of the rest of these rascals and crooks who control the American Liberty League."

The senator then attacked the two leading backers of the League, Raskob and Du Pont, alleging that they put through "wash" sales for stock to avoid income tax assessments, and that the former passed a "rubber check" for \$4,582,750 which was honored by the "high-class Morgan banking institution of the City of New York."

"The members of the Senate are probably familiar with the fact that a few weeks ago the Treasury Department asserted its claim against Mr. Raskob and Mr. Du Pont, claiming that many hundreds of thousands of dollars had been evaded in income tax payments as a result of a transaction occurring in 1929 between these two estimable gentlemen."

Mr. Schwollenbach then turned to the transaction itself. "What was the transaction? I bring it up in connection with the American Liberty League, because of the fact that these two men, I believe, are controlling figures in that organization that claims it is attempting to

* Congressional Record, January 23, 1936.

influence government in order that the common people of the country, as they say, may be protected and the principles of the Declaration of Independence may be preserved.

"I contend that the record of the Raskob-Du Pont 1929 income tax case shows an effort to defraud, an effort to ignore the laws of this country with as high a degree of criminality as any effort that has ever been attempted to be perpetrated upon the country even by racketeers in our great cities who were finally put in the penitentiary because of the fact that they evaded their income taxes."

I am devoting considerable space to this financial transaction of two of America's leading superpatriots of the Liberty League, whose object is to defend your and my civil liberties, because it happens to be one of the privileged documents, being a part of the Congressional Record. We know all too well that the Raskobs and Du Ponts of the Liberty League, judging from their life histories, their behavior, their actions and their words, are interested in money and power rather than liberty, but only a member of Congress can call the group "rascals, crooks, leeches and bloodsuckers," and get away with it.

Money is the one thing that makes the superpatriotic mare go, and never has it been so well proved as in the short history of the American Liberty League. This organization has attracted more hypocrites, more merchants of death, more exploiters of labor, more parasites, more enemies of the people, than have ever joined together for the common enterprise of defending what the great Henry George first called "vested interests," and of placing property above the welfare of the people.

The first list of financiers of the Liberty League (published at the end of 1934) showed that Irénée Du Pont and Lammot Du Pont had each contributed \$5,000 and similar amounts were invested by Edward F. Hutton of General Foods and Sewell Lee Avery of Montgomery, Ward & Co. Robert Sterling Clark, whose name General Butler mentioned in the story of the Wall Street Fascist plot, gave \$4,900, and all the economic royalists of our generation contributed heavily.

As for Liberty, it is used by the League "as a smoke screen (concludes Herbert Harris in *Common Sense*, February, 1936) for protecting the privileges of Big Business. . . . For the only liberty the League fosters is the liberty to water stock, rig the market, manipulate paper, and pyramid holding companies to the stratosphere. It is

the liberty to pay starvation wages and break strikes with hired thugs. It is the liberty to mix alum with the loaf and weight pure silk with lead. It is the liberty to fire men at forty and hire younger help. It is the liberty to warp the minds and bodies of children in textile mills and on 'share-cropping' farms. It is the liberty to buy opinions of the pulpit and the press. It is the liberty which leads to death."

During the great days of the 1936 political campaign, when every form of political trickery was used against President Roosevelt, the League flourished. But the attack upon it was devastating. Though Senator Schwollenbach could use his congressional immunity in denouncing the Leaguers as "rascals, crooks, leeches and blood-suckers," the evidence given before official governmental investigating bodies was far more effective.

Testifying of "interlocking relations of industrial espionage and strikebreaking agencies with a company selling tear gas bombs and munitions to break strikes, and the lawyers for the American Liberty League," Mr. Blankenhorn named the directors of the Federal Laboratories of Pittsburgh as the "key to the relationship between industrial espionage and the Liberty League lawyers"*

Mr. Blankenhorn detailed the ramifications of the gas makers, the Railway Audit and Inspection Company, a strikebreaking outfit, and the "espionage set-up" generally, with League lawyers, notably Roy G. Bostwick, associated with Earl F. Reed, chairman of the Liberty League Lawyers Committee which, without being asked to, announced that the Wagner Labor Law was unconstitutional some time before the Supreme Court said it was constitutional. The League's legal committee is headed by Mr. Desvernine who, Blankenhorn testified, is counsel for United States Steel and H. C. Frick Coke Company, which had employed the Federal Laboratories in its troubles with labor. He also testified that Bostwick was on the board of directors of the gas bomb makers.

In the course of time it developed that the chief backers of the Liberty League were the DuPonts. In fact, income figures published in 1937 showed that in the lean years preceding, the DuPont contributions not only led all the rest, but that there were no rest. This fact makes even more sensational the revelation made by Robert S.

* La Follette subcommittee on Education and Labor hearings, Washington, April 14, 1936.

Allen, the Washington correspondent, that the DuPonts are today emulating the merchants of death of yesterday, by joining in the "bloody international." They are linked with Hitler, Fascist Italy, and Fascist Japan.

Digging through hitherto unpublished documents gathered by Senators Nye and Vandenburg for the Munitions Investigating Committee, Allen discovered the following facts concerning the main owners of the Liberty League:

1. That the DuPonts own 7.98 per cent of the common stock of the Dynamit Actiengesellschaft, holding company of German armament firms.
2. That the DuPonts have a gentlemen's agreement with Kohl-Rottweiler and D.A.G. covering the exchange of patents and inventions and the division of sales territory to prevent competition in the world armaments market.
3. That the DuPonts once entered into an agreement, later canceled, with a notorious international spy to smuggle munitions into Germany via Holland.

The final report of the munitions committee comments on the DuPont relationship with the Fascist powers as follows: "The international commercial interests of such large organizations as DuPont and Imperial Chemicals industries may precede in the minds of these companies the importance of national policy.

"Such considerations of commercial interests were apparently foremost in the rearming of Germany beginning in 1924, and in the sale of a process which could be used to manufacture cheaper munitions in Japan in 1932, shortly after Secretary of State Stimson had taken steps to express the disapproval of this nation for Japan's military activities in Manchoukuo."

The foregoing official document will give the reader a nice picture of the mainstay of the Liberty League. That body itself was not very active at the time this chapter was being written, in December, 1937, but Mr. Lamot DuPont was at the very moment expressing sentiments of patriotism, freedom, and liberty — before the National Association of Manufacturers, assembled in a "Congress of Industry," in New York, which openly damned the tax reforms of the administration and secretly planned ways and means to crush the labor movement.

Chapter 9. THE 100% AMERICAN LEGION

To foster and perpetuate a 100% Americanism.

Legion Constitution

*Anyone who says he is 100% anything is usually 90%
a fool.*

BERNARD SHAW *

FOUR years before the Chicago motion picture presented to the American public the indisputable evidence that the forces of law and order engage in violence which approximates mass murder, another newsreel, which failed to provoke undue interest, illustrated the activities of the "better" citizens in suppressing strikes.

The screen showed a group of workmen. Several had sticks or barrel-staves in their hands, but none was really armed. They talked rather loudly. Suddenly, from outside the picture, came an armed force. It was composed of neither police nor militia, but of "deputies" in the pay of a corporation, some in uniform, others in civilian clothes, but all carrying rifles, bayonets, revolvers or tear gas.

The leaders of armed force advanced threateningly against the strikers. There was a shot to disperse. It was followed by a jumble of curses, yelled arguments, protests. Immediately the leader of the armed force seized a workman whose only offense had been vocal, beat him on the head with the butt of a revolver. This caused a lot of shoving and the tumult increased. The armed men of course beat up the unarmed men, and then the newsreel recorded in picture and sound one of the "soldiers" firing his rifle into the group of strikers, with fatal result. Heads were cracked, blood ran, and the dead were carried away amidst a confusion of curses.

* This quotation is from a newspaper interview. To keep the record straight I wrote to Mr. Shaw for the exact quotation. He replied: "I cannot remember the exact wording of the statement to which you allude; but what I meant was that in my experience a man who calls himself a 100% American and is proud of it is generally 150% an idiot politically. But the designation may be good business for war veterans. Having bled for their country in 1861 and 1918, they have bled it all they could subsequently. And why not? G. Bernard Shaw. London, Dec. 10, 1937."

This terrible picture was watched by some three thousand moviegoers without a trace of emotion. And yet it showed impartially, with mechanical objectivity, that the Constitution of the United States, the Bill of Rights, all the common liberties we take for granted, had been destroyed by a private force which had resorted to violence and murder. The right to assemble peacefully, the right of free speech, the right to organize, the right to strike, the right to demand redress had all been denied by tyrannical violence, yet no one seemed to care. The spectacle on the screen was the exact duplicate of things I myself had witnessed in Italy in 1921 and Germany ten years later, and in less important countries at other times — it was a startling sample of pure Fascism as seen in action in Europe today.

Who were the "Fascists"? Who were the men who used violence to deny the constitutional liberties of the people? The liberal governor of Pennsylvania later in the year appointed a Commission on Special Policing in Industry, which made inquiry into the Ambridge attack. It learned that the two hundred attackers had been recruited and deputized by the sheriff of Beaver County, Charles L. O'Laughlin by name. The sheriff, after describing the situation in the steel works, boastfully testified:

"I immediately got William Shaffer, who was commander of the American Legion Post in Aliquippa, which is my home town. . . . I asked Mr. Shaffer if he could get me seventy-five boys with military experience. He told me, 'Charlie, I'll get you a hundred and fifty if you want them.' He did produce seventy-five men, whom he gathered together in the Aliquippa police station."* It was also testified that Shaffer, the commander of the American Legion Post of Aliquippa, was an employee of Jones & Laughlin, the steel company which frequently employed armed men against its workers, and that the sheriff was a former chief of the Jones & Laughlin Coal and Iron Police.

Individuals and posts of the American Legion, in building its reputation as the most reactionary organization in America, have, in addition to thousands of acts of censorship and repression, committed a long series of unlawful deeds ranging from ordinary assault to murder.

* Proceedings of the Governor's Committee on Special Policing in Industry in the State of Pennsylvania.

Hardly had the organization been perfected before one of its branches began the record of violence with an action which, fortunately, it has not since surpassed in brutality and bloodthirstiness. Reviewing the events of Centralia, Washington, on Armistice Day, 1919, the most objective historian, as well as the most patriotic of Legionnaires, cannot dispute the fact that the Centralia Post is largely responsible for one of the most vicious lynchings in the history of the United States.

This outstanding act of terrorism had what now appears to be a self-evident economic motivation. On the surface, it was patriotic veterans versus the radical I.W.W.'s who had said that "this war is a businessman's war and we don't see why we should go out and get shot in order to save the lovely state of affairs that we now enjoy," but underneath it there was the lumber industry.

As explained by Attorney Arthur Garfield Hays, huge Northwestern lumber monopolies were "piling up millions for profiteers hell-bent on licking the Kaiser and lining their own pockets." Lumber rose from sixteen dollars a thousand feet to about eight times as much, and one patriotic lumberman got a thousand dollars from the government for spruce. But wages were not raised and when trouble inevitably began, gunmen and mobs were hired to kidnap, tar and feather, flog and even lynch, until all this terrorism was made unnecessary by the passage of a criminal syndicalism law. The lumberjacks were now beaten. The I.W.W. was slowly broken up, so that in 1919 only two of their union halls remained in the State of Washington.

One of them was in Centralia. A private report of the Employers' Association had contained this phrase: "Run your business or quit. . . . Jail the radicals or deport them. Only two communities in Washington allow I.W.W. headquarters." The insinuation was overt. The economic motive was plain. The lumber barons, tightly hugging their war money to their hearts, were insistent that no threat to their profits should come from organized labor, and especially from an organized labor body which never hesitated to fight for its rights. The I.W.W. must be destroyed.

In 1918 "respectable citizens" of Centralia kidnapped the secretary of the union and flogged him. On Memorial Day, the patriotic paraders raided the I.W.W. headquarters, destroyed its contents in-

cluding the American flag, which apparently had become contaminated by too close association with reds, stole typewriters and other valuables and sold them for the benefit of the Red Cross. (Mr. Hays does not state whether or not this humanitarian organization accepted this profit of thievery.) In 1919, blind Tom Lassiter, whose crime was selling I.W.W. publications at his newsstand, was kidnapped, deported, his belongings stolen and burned, his charge of kidnapping ignored by the county prosecuting attorney and the governor. Finally, in October, the businessmen of the town formed the Centralia Protective Association. In reply to the rumor that the objective of the patriotic business leaders was the destruction of I.W.W., the latter organization issued a leaflet declaring that the profiteering class were "waving the flag over our country in an endeavor to incite the lawless element of our city to raid our hall and club us out of town"; and the next action in the impending tragedy was the meeting of the Centralia Post of the Legion with a committee of the Chamber of Commerce. The Chamber planned an Armistice Day parade which was to pass by the I.W.W. hall.

Significantly, Attorney Elmer Smith advised the Wobblies that they had a legal right to defend their headquarters against attack. It was apparent that everyone in Centralia knew that an act of illegal violence was coming.

The parade began. It went by the I.W.W. hall and nothing violent happened, although Postmaster McCleary and ex-Mayor Thompson carried pieces of rope in their hands "as a joke." But under someone's order the paraders turned back, and when the Centralia and Chalis contingents came by the hall, according to Ralph Chaplin (in his pamphlet *The Centralia Tragedy*), a whistle was blown, someone shouted "Let's go," and the Legionnaires stormed I.W.W. headquarters. Shooting began. Warren O. Grimm, who led the attack, was killed.

In the chase after I.W.W. men, Wesley Everest, an ex-soldier, who had defended himself by shooting Dale Hubbard, a Legionnaire, was taken to jail bleeding from his mouth, nose and ears, but saved from lynching by cooler minds. But that night, Attorney Hays writes, "the lights of the town suddenly went out. A mob broke into the jail, seized Everest, emasculated — unsexed him . . . carried him to a railroad bridge and hung him. The rope was short. The victim was

pulled up and hung on a longer rope. Again this happened and a still longer rope was used. Everest clung to the bridge. Someone stamped on his fingers. Searchlights were turned on the bloody, swinging body, and it was riddled with bullets. It is said that the phrase 'as comical as a coroner' is current in Centralia. This is due to an alleged explanation by Coroner Lingston of the death of Everest. 'He broke out of jail, went to Chalis River bridge, and committed suicide. He jumped off with a rope around his neck and then shot himself full of holes.'"

The authorities made no attempt to find the Legionnaires, businessmen, and other "better" citizens who had indulged in kidnapping, murder and lynching, but they helped in the red-hunt. Mob terrorism continued for days. At the trial of the I.W.W. men who had defended their headquarters, the courtroom was crowded with half a hundred Legionnaires who got four dollars a day for the purpose of intimidating judge and jury. It was never determined who had shot Grimm, but innocent men were sent to prison, and even the conservative weekly *Time** admits that "ever since the Centralia, Wash., massacre of 1919 the nation's most potent strikebreaking force has been the American Legion."

By the end of the year 1920, fifty acts of violence, none equal to murder and lynching however, but all committed by members of the Legion, acting as such, had been reported and verified. Most of them came under the Legion program of patriotism and 100 per cent Americanism: its members cut the electric wires at a Fritz Kreisler concert; drove two men out of Desdemona, Texas; "cleaned out" a newspaper in Astoria, Oregon. In Santa Barbara, a committee of six Legionnaires horsewhipped an editor (and paid a fine of one hundred dollars for their fun); in various places Legionnaires stopped Debs' meetings and in Great Bend, Kansas, they stopped a Farmers' Non-Partisan League meeting. They beat up four speakers and tarred and feathered J. O. Stevic, editor of the *Non-Partisan Leader*, and Carl Parsons, a veteran of the World War, and drove ex-Senator Burton of Kansas and George Wilson of Oklahoma out of the county. On occasions the Legion led in breaking up the meetings of a "red-hot Bolshevik" named Charles A. Lindbergh whose son "Slim" or "Lucky" as he was called, was piloting him around in an airplane.

* October 21, 1935.

Many of the Legion's prominent public appearances were in the rôle of strikebreakers. The mayor of Omaha called a meeting of one thousand for aid in a strike situation, and the Legionnaires voted to give it; the Oakland Post armed two hundred as a police auxiliary in a strike. In Detroit, a thousand pledged themselves to fight the Bolsheviks; in the Denver street car strike, five hundred, armed, patrolled the streets. In Youngstown, the Legion patrolled the city during a steel mill strike. In St. Clairsville, Ohio, a grocer who kept open on Armistice Day was attacked by a platoon led by Commander C. W. Fowler of the Belmont County Legion who used tear gas bombs in the raid. * In 1931, in the Imperial Valley, when eight men were sentenced to prison for organizing the strike of the melon pickers, the local legion post commander declared, "The way to kill the red plague is to dynamite it out. That's what we did in Imperial County. The judge who tried the communists was a Legionnaire; fifty per cent of the jurors were war veterans. What chance did the Communists have? That's the way we stamped it out in our country."

The great era of Legion activity as strikebreakers, red-hunters, suppressors of public meetings, enemies of liberty, coincided with two eras of financial depressions, economic distress, mass bewilderment in the early 1920's and the early 1930's. Also noticeable was Legion participation in the big business movement to check the spread of labor emancipation which followed the birth and death of the Blue Eagle.

The most notable violence disclosed in 1935 was the Nick Bins case in which several Racine Legionnaires were implicated.† The second largest city in Wisconsin is more completely controlled by bankers and businessmen than most cities its size. There is unfortunately only one newspaper and it plays the game of the employers. With the failure of the New Deal, workingmen engaged in many strikes and won wage increases when they formed a united front. But the Chamber of Commerce businessmen, the American Legion bravos and others of the "better citizens" also formed a united front which found expression in a vigilante movement.

The red-hunt was promoted with all the usual means: legal, illegal, and extra-legal. A prison term for "distributing leaflets," which

* Marcus Duffield, *King Legion*. Smith, 1931.

† Contemporary issues of the *Milwaukee Leader* and *The Nation*.

were in themselves legal, is one of the anomalies of Racine justice. During a strike a window of an automobile was broken for which a Communist was sent to prison for from one to two years despite the fact that another man confessed this "crime." The climax was the kidnapping and beating of Sam Herman, a Communist organizer, just after the local Legion post had pledged its "moral and physical force if necessary to stamp out Communism."

Herman was kidnapped in downtown Racine and after the patriots beat him up they dumped him out in the country. But that was not enough. When, later, after the Federated Trades Council and other respectable labor groups had protested and the authorities did nothing, Herman appeared at the office of the assistant district attorney to swear out a warrant for his assailants, he himself was arrested for libelling Chief of Police Lutter whom he had accused.

This state of terrorism might have continued and the part the brave Legionnaires played might never have been known had not George Wilbur, secretary of the professional group in the Milwaukee branch of the League Against War and Fascism taken it upon himself to investigate. Mr. Wilbur is the son of a wealthy lumberman and moves easily in the best circles. In Racine he had no difficulty in making an appointment with the man the whole town knew was the chief kidnapper. The meeting took place in the law offices of Smith, Beck & Heft. Posing as an employer who also faced labor troubles and needed a kidnapping similar to that in Racine, Mr. Wilbur persuaded the self-confessed kidnapper to call at his uncle's home in Waukesha, where several persons including a newspaper reporter listened to the boasts, confession, and agreement to commit a crime which is punishable with death.

The man who boasted he had kidnapped Herman gave his name as Nick Bins, unemployed salesman, member of the Racine American Legion, active in its drum-and-bugle corps. He had kidnapped Herman. But who had hired him for that job? Dar Vriesman, secretary of the Racine Chamber of Commerce, was the reply. Nick Bins was also the man who had smashed up Communist headquarters and thrown bricks with notes attached through windows of the merchants who went Herman's bond. He had gotten instructions in the Chamber of Commerce, the notes had been typed there, it was good business because Racine employers were going to end labor agitation, drive out

the agitators "who got their instructions in Moscow"; in fact, this whole anti-radical program of which Mr. Bins was the executioner was part of the Legion's Americanization program.

Now as to the little job wanted in Waukesha, did the would-be employer know that he had tried to break both of Herman's legs? They hadn't heard? Well, he would not kill the Waukesha victim when he had kidnapped and slugged him. "Even though you work in full cooperation with the authorities," continued Mr. Bins, seated near the concealed microphone and not suspecting that every word was being taken down by a stenographer and a reporter, "you can't get away with a killing. But I'll make him wish he'd never been an agitator."

The would-be employers thought it was marvelous the way Bins had gotten away with it. Not at all, Bins continued. The kidnapping car, for instance, had been driven by a Chicago federal agent; all the Racine judges were "100 per cent okay," and especially Judge Belden of the circuit court, a "brother Legionnaire." It would be easy.

And as for references, why "call up Chief Lutter of Racine, call any prominent attorney down there, call Dar Vriesman. . . ." Mr. Wilbur called the secretary of the Racine Chamber of Commerce and was told that "Bins is all right for the job." As for money, Bins would let the Chambers of Commerce of the two towns make the arrangements, meanwhile he would take a retainer, and he took a marked ten dollar bill.

But despite this passing of money, despite the voluntary confession of crime heard and witnessed by several persons, the Wilbur group encountered the greatest difficulty in setting the wheels of Racine justice in motion. Neither the Waukesha nor the Racine district attorney cared to arrest a confessed kidnapper when the kidnapping was that of a labor agitator and the kidnapper a Legionnaire; and when finally Bins was taken to Racine, Chief of Police Lutter did not so much as come to see him in his cell. But Bins was not lonesome. All night long there was an entertainment in the cell, most of the visitors being members of the American Legion post who assured Bins that everything would be "fixed" in due time.

The *Milwaukee Journal* played up the story, ran the confession, told how it was engineered, demanded that Legionnaire Bins pay for his crimes. The *Racine Journal-Times*, which had led the red-baiting cam-

paign for months, published an editorial saying that the legal way of settling questions was, after all, by and large, and in the long run, the best way. Vriesman issued statements in all directions, denying, admitting, denying the telephone conversation; Fred Heinisch, Legion commander of Racine, first denied Bins was a member but when the first excitement paled he issued a call for a defense fund for "Bins, a fellow Legionnaire." The Chamber of Commerce began advertising the virtues of the town. When Herman was tried before Judge Belden, only two of his twenty witnesses were allowed to testify, and he was found guilty in nine minutes, and later in the month the *Journal-Times* published photographs of Legionnaires including Dar Vriesman pinning Legion Americanism medals on public school children.

The American Legion itself took no notice of the actions of its Racine Post members, but it immediately suspended the Rahman-De Bella Motion Picture and the John Philip Sousa Posts for picketing in uniform. In other words, you can assault "reds" in uniform, you can lynch in uniform, you can break strikes every day for a decade in uniform, but you must never picket for the cause of labor in uniform. There is a limit to what the Legion will stand for — in uniform.

The Legion opened its 1936 history with a raid on the School of Social Science in Seattle; and the year also marked the publication by national headquarters of the manual of its Americanism Commission, entitled *ISM'S*, subheaded "A review of Revolutionary Communism and its Active Sympathizers in the United States." Here, in the handbook of red-baiting, Legionnaires are warned on what is legal and illegal, what is violent and what is peaceful, in words which constitute a confession that the Legion has been a lawbreaker in the past.

Legionnaires are told to "keep three fundamental facts clearly in mind. . . .

1. "Remember, no Legionnaire and no citizen has the privilege of police authority. Our policy must be one of waging a campaign of education by disclosing the truth as we find it. We must not take the law into our own hands. To do so would be equivalent to descending to the level of the Communists."

From 1919 to 1936 the Legion posts have on many occasions — Centralia 1919 to Seattle 1936 — taken the law into their

own hands and if at any time in all these years their hated opponents have taken the law into their hands, raided Legion posts, lynched Legionnaires, driven Legion speakers out of town, scabbed on Legion strikes, the press of the world somehow has not been alert enough to report a single instance. The instructions for the future, therefore, reflect qualms, if not repentance, for the past.

2. Admonition to recognize the right of Russia to have its own form of government.

This is probably the most broadminded and tolerant gesture ever made by the Legion; it is really magnanimous.

3. "As an organization we do not oppose progress in government. The Constitution of the United States, our basic law, provides the orderly American way for such progress. It reserves to the citizens their right to change that basic law as they, in their conscience and judgment, decide may be necessary. That traditional American principle must not be denied. . . ."

This sounds almost like treason to the Legion's best ally, Mr. Hearst.

In "Suggestions for combating un-Americanism" the Legion soberly declares that "the Red movement must be met and overcome, but that that cannot best be done by 'viewing with alarm,' 'red-baiting,' riding professional martyrs on a rail, and vainglorious 'flag-waving.' When an emergency calls for militant action in dealing with the Reds, the function properly belongs to constituted authority, which can always draw on the loyal citizenship of the country to carry out its mandate."

Here is a real confession of what Legion red-baiting activities have been in the past decade and a half.

"The greatest weapon with which to successfully combat Communism, and its kindred diseases, is education."

And in a few minutes we shall see the spectacle of the authors of the foregoing beautiful sentiment suppressing one of the few intelligent works written to educate the public on Americanism.

"Focus patriotic educational activities upon the foreign colonies in America. See that the boys and girls of this country are given a thor-

ough understanding of the slowly developed and soundly tested principles on which the American government is founded, so that they may be able to judge rightly between these and the airy ideas of the radicals.”

And what if all the principles on which this government is founded, and if all the ideals of the founders turn out to be “radical”? Then of course the plan is to suppress or rewrite. The Legion has sponsored history books rewritten from the superpatriotic viewpoint and not necessarily true.

The next paragraph approved Boy Scouting, the C.M.T.C. and clean sports for the youth of the land, “and there can be no doubt as to their reaction to the approach of the economic fiction from the Communist tongue or pen.”

This is rather neat. We know, of course, that wars may be won on the playing field of Eton; we also know that neither the baseball nor the football fields of America have been the very largest producers of culture, but this is the first intimation that the sporting life is necessarily an antidote to economic philosophies. The Legion has probably come upon a great truth here.

We skip several paragraphs on the problem of constitutional change, the duty of every citizen to vote, etc., and come upon more self-defense. When “a loyal American citizen or a patriotic group moves forward in the teaching of American ideals . . . the professional martyr and certain groups of self-styled intelligentsia throw up their hands and shout aloud ‘superpatriot.’ This is the same group that would use the right of free speech as a screen to pollute the minds of our young, incite to crime, corrupt public morals and overthrow our government. . . . The American Legion can never watch unconcerned the abuse of freedom of speech. . . . The Legion is ever working to keep America a place where there is political and economic justice for all. . . .”

And the conclusion is a series of laws recommended for Congress, the red-baiting and alien-baiting measures which have come up every year since the war, the work of none other but the super-patriots.

Legionnaires have condemned, or suppressed, or passed resolutions against Jane Addams, Frederick J. Libby of the National Coun-

cil for the Prevention of War, Mrs. Lucia Ames Mead, Fritz Kreisler, Dr. Harry F. Ward of the Union Theological Seminary, Roger Baldwin of the Civil Liberties Union, Sherwood Eddy, the Federal Council of Churches of Christ in America, Sir Norman Angell, John Strachey and hundreds of college and public school teachers. Mr. Strachey denied he was a Communist although he admits he has written books in explanation and in favor of communism; and none of the others is a Communist. Several were denied the right of free speech and assembly in many cities because they were persons of intelligence and not obscurantists of the kind who control the Legion.

Nothing in the history of the American Legion illustrates better than the "Americanism" booklet dispute the fundamental ignorance of Legion leaders of what constitutes Americanism. Nothing illustrates better their anti-libertarianism.

In the Spring of 1936, the New York County American Legion authorized Cyrus LeRoy Baldrige, commander of Willard Straight Post and former staff artist on the American Expeditionary paper, *The Stars and Stripes*, to prepare a pamphlet suitable for speakers who were distributing the Americanization committee's annual medals in the public schools. Mr. Baldrige found the job a sinecure. He reread the Declaration of Independence, the Constitution of the United States, and especially the ten amendments which constitute our Bill of Rights. He also consulted "a man named George Washington," and another named Thomas Jefferson and a third named Abraham Lincoln. As the pamphlet was to be about a thousand words long he did not have to look much farther.

The pledge of every Legionnaire is for "100 per cent Americanism"; the purpose of the booklet is to explain what the pledge means, to distinguish real Americanism from counterfeit, from the "scheming for the narrow and special interests" of a "selfish crowd."

"Liberty," continues the exposition, ". . . guarantees, among other Freedoms, the Freedom of Religious Worship, and — above all else — Freedom of Speech. Liberty demands Freedom of Speech because without Freedom of Speech there can be no search for the Truth. This search is vital for 'Americanism.' . . ."

"Never was it more necessary than now for all Americans to support their right to Freedom of Speech and Freedom to Listen and

Learn . . . believing in Freedom of Speech, Americans practice Tolerance. . . . Sometimes it is difficult 'to bear' with opinions which seem absurd or dangerous. Yet it is necessary. . . . Out of this clash of opinion . . . comes progress toward Truth. This is the first lesson in any science. . . .

"Americans in their struggle for Democracy, stand forever opposed to Dictatorship by a person or by any special group. For Dictatorship means the end of tolerance; it means the intolerant suppression by an armed force, of Democracy, Justice and Liberty. . . .

"True American Patriotism, or a 'one hundred per cent Americanism' is a one hundred per cent belief in Democracy, Justice and Liberty. . . ."

The pamphlet concludes with a call to American youth to hold sturdily to these ideals, "to defeat ignorance and tyranny, to preserve democracy, justice and liberty." That is all. And yet it occasioned a tremendous upheaval in the Legion.

Press and public at first hailed Commander Baldrige's few paragraphs published anonymously, as a sign that the obscurantism, intolerance, narrow-mindedness of previous Legion expressions were at an end. In fact, Miss Irene Boyd, past commander of the Jane A. Delano Post and head of the Americanization Committee, said of the booklet that "some people might think it a bit liberal."

And Liberalism, apparently, is something subversive in the eyes of Legion officials. In just a month after the press had complimented the New York committee, newspapers reported that "Legion Row Looms on 'Red' Pamphlet" and that H. L. Chaillaux, the national director of Americanism had found fault. No, he had not said that the writing was subversive, or even liberal; he did complain that the pamphlet was printed on Japanese paper. (There was treason for you, brother Legionnaire.) And moreover, the American eagle which is printed on the cover is in red ink. Moreover, Mr. Chaillaux noted with horror, there was another revolutionary symbol, an upraised hand holding a lighted torch, on the flyleaf. And in conclusion, there was too much emphasis on freedom of speech. Mr. Chaillaux preferred emphasis on freedom of religion, a problem which only sporadically worries the minority religionists of America.

At this moment county commander Joseph V. McCabe explained that the eagle was in fact printed in red, so that with the wording in blue and the white paper the national colors would be represented,

and besides, there was the matter of the Blue Eagle of the New Deal still around some corner in some people's minds, which might have led to confusion if the colors had been reversed. As for the upraised arm with the revolutionary torch, it was taken from a statue in the harbor of New York. (Legion officials know the statue but not its significance.)

Explanation was not enough. At a meeting of the county committee, Mr. McCabe read the protest from the national chairman of Americanism. Strangely enough certain parts of this truly revelatory letter did not appear in either the *Times* or *Herald Tribune* on the morning of April 28, 1936, but were reported in the *Post* that evening. In the morning press a part of the letter complains that "I note the raised and flaming torch with its striking similarity to the left wing Socialist emblem. Am I to assume that this is merely a coincidence? Several drawings in the booklet are strikingly akin to the usual subversive placards. The seventh paragraph in the booklet places, in typical Stalin fashion, freedom of worship in secondary position." But in the *Post* it is reported that "one of the chief objections of Mr. Chaillaux was the emphasis on freedom of speech," and the letter is quoted saying:

"One of the paragraphs in this book begins: 'Never was it more necessary than now for Americans to support their right to Freedom of Speech and Freedom to Listen and Learn.'

"This is one of the fundamental principles of Communists and other un-American forces."

(A mere restatement of the First Amendment to the Constitution in the Legion bureaucratic mind here becomes both Communistic and un-American.)

The morning newspapers likewise did not report that during the meeting Miss Boyd stated that the executive committee had been harangued by A. Cloyd Gill, who said he was a member of the staff of the Hearst *New York American*. "Gill," said Miss Boyd, "stated that the committee was missing the opportunity of its life in not suppressing the pamphlet publicly. He promised that such a move would make the front pages of every Hearst newspaper in the country and offered to get us time on the radio and even prepare a script." It was also said that the Hearst representative told the committee "that we had better withdraw the tract 'or else. . . .'"

Whereupon the *Post*, one of the few newspapers in America which

does not conform to the unwritten law that news about publishers must always be suppressed, had this to say editorially: "William Randolph Hearst — America's No. 1 Fascist. Up until today we have hesitated to call him a Fascist. We did not want to be guilty of the same exaggeration that is characteristic of Hearst when he cries 'Communist' at any one who disagrees with him. We knew he was friendly to Hitler. We knew he was using the same tactics against labor unions and liberals that Hitler used. We put them down as the frantic efforts of a befuddled old man trying to shield his vast fortune and special privileges from curtailment by reform. But it is now clear that Hearst is just as truly a Fascist as his friend Hitler, or Mussolini.

"Hearst's threats against the Americanism committee of the New York County American Legion reveal his true colors. Those colors may be the black of Fascist Italy or the yellow brown of Hitler Germany, but they certainly aren't the red, white and blue of this country. . . .

"What is Hearst's objection to the pamphlet? He objects because it teaches the Americanism of Washington and Jefferson instead of Hearst's own brand of 'Americanism' — a brand that is really the Fascism of Hitler and Mussolini. The pamphlet supports free speech, and Hearst objects to free speech. . . . Hearst believes in free speech only for those who agree with Hearst — and he calls everybody else a 'Communist.' But the fathers of this country believed in free speech even for those who disagreed with them, and they wrote that principle into the Constitution for all time — America's glory in a world of intolerance and dictatorship. . . .

"Homer Chaillaux, the Hearst stooge, is to be condemned for his attack on that pamphlet. It would be the greatest travesty and tragedy if the veterans who marched out in 1917 to give the full measure of devotion to their country were to be misled by an un-American plutocrat and his flunkies into attacking the very principles on which this country was founded."

And although the *Herald Tribune* neither quoted the most damning paragraph from the Chaillaux letter nor mentioned the Hearst intrigue, Dorothy Thompson, who syndicates her "On the Record" column through that same newspaper, did take the subject up with scorn and irony, telling the superpatriots to beware the Statue of Liberty, a foreign importation, holding a lighted torch, a symbol of

Socialism in one hand but having place in it for a whole squad of revolutionists to hide! "Liberty," said Miss Thompson, "has become a Red Scare and threatens to rend the ranks of the American Legion." She mentions the "group of newspapers" engaged in the red scare and concludes with this sober warning: "There is a definite technique in the propaganda of establishing Fascism: that is, in the propaganda of destroying republican, representative government. . . . The technique is to destroy the unity in society by setting one group against another group, one man against his neighbor. The way to do that is to cast suspicion upon his patriotism. And to go on doing so until patriotism becomes the monopoly of a single group, who then entrench themselves in power to save the people from themselves. When that time comes I suppose we will all sing, Three cheers for the umph, white and blue."

In vain did Commander Baldrige declare, "I am not a Communist and disapprove of Communism," and in vain did he prove that everything he wrote came out of the Bill of Rights. The climactic irony was the vote of the New York committee. There was a tie. Then the largest membership bloc, ten votes, was cast in favor of repudiating the booklet on Americanism. This bloc consisted of policemen. The spectacle of policemen voting on free speech is utterly beyond words.

In 1937, the Legion held its usual rowdy convention in New York. (One of the new features was an electrical machine with which they shocked women.) It was expected that the spirit of liberalism which was invading the nation would make itself known through the voice of the national commander, Harry Colmery. In the early months of the year there had been strikes, vigilante raids, much violence, in which Legionnaires everywhere had engaged. Would the national commander denounce such actions? Mr. Colmery, in fact, took notice of them. He warned the American Legion that in the future its fights with organized labor, with men striking for better wages, for the right to organize, to hold meetings, to assemble and listen to speeches, should no longer be fought by the Legion wearing Legion uniforms. Vigilanteism, which is the purest form of Fascism in America, was endorsed, but the vigilantes must leave uniforms and buttons and Legion caps at home. This is the so-called new liberalism of the Legion.

It gave a brilliant example of its reform when it ushered in the year 1938 in Jersey City by becoming the chief "stooge" of the Chamber of Commerce campaign against union labor. At the mass meeting in support of Mayor Hague, which was broadcast throughout the United States, and which was tantamount to a call for a civil war between the Haves and the Have-nots, the Legionnaires were given the place of honor.

The Hudson County posts wearing white "monkey hats" instead of the official Legion caps, marched in behind their chromium-helmeted Irish-green jacketed band, accompanied by four men in United States Army uniforms, one waving an American flag, the others carrying rifles.

The Lewis labor organization, the C.I.O., which has some four million members, or one hundred times the total strength of all "reds" in America, was denounced by Chamber of Commerce speakers as communist. These statements were false. The Newspaper Guild was called communist. That statement was a falsehood. The Civil Liberties Union and its leaders were called communists or communistic. These statements are falsehoods.

But the American Legion led the applause, the shouting, the merrymaking and the display of vulgarity with its accustomed uninhibited spirit.

No Legionnaire, apparently, was intelligent enough to realize that the Chamber of Commerce of Jersey City is fighting high wages and working condition reforms which a strong unionized city usually gets.

The Legion, by its own boastful history, has on hundreds of occasions been the leader in the fight against Free Speech. Of course it always flew the flag of Americanism in attempting to suppress all persons whose views on economics, war, capitalism, patriotism, politics, social security, differ from those of the bankers and business men who usually head the Legion or control the chosen officials.

Under the same flag it has also been an exponent of militarism. Its leadership in red-baiting is one of its boasts although it denies the term "baiting"; it is merely being 100 per cent.

It has been an out and out enemy of academic freedom.

It has allied itself with Hearst.

Its program of 100 per cent Americanism is about 100 per cent false in the light of the views and actions of the rebel founders of our country whom the Legion claims as its guiding beacons.

It is regarded by leaders of reaction and progress alike as the logical instrument of a Fascist attempt to seize the government in much the same manner as the legions of Italy, Germany, Spain, and other nations have been used by the industrial-financial oligarchy to establish a dictatorship.

Unless the rank and file realize how they are annually betrayed by the secret forces which guide the Legion, there is every reason to fear that what is already called the second reactionary power in America may be used as the first line troops against our liberties.

Chapter 10. MERCHANTS OF PATRIOTISM — AND DEATH

FIRST among the leading patriots in all countries are the merchants of death. They are the backers and financiers of naval leagues, security leagues, national defense associations, liberty leagues, and dozens of other organizations which simple and easily deluded honest patriots also join. In every instance the patriotism of the war profiteers has gone completely to pieces before the imminent danger of a curtailment of the super-profits of war. In the United States it was so in the Civil War, in the Spanish-American War, in the World War.

Two of the greatest fortunes in America, the houses of Morgan and Mellon, were founded on crookedness in the worst sort of war profiteering in our history. J. P. Morgan made his first \$100,000 in buying condemned rifles from an eastern armory and selling them to General Fremont fighting in the west. He then cornered the gold market, went into banking, and eventually subsidized patriotic societies.

Judge Thomas Mellon came into comparatively big money by selling supplies to the government at high prices during the Civil War. He wrote his son James, who wanted to fight in the Wisconsin quota, that this would be a "piece of folly"; he preferred his son to stick to business instead of being "seduced from his duty by the declamations of buncombed speeches. It is only greenhorns [foreigners] who enlist. . . . In time you will come to understand that a man may be a patriot without risking his own life or sacrificing his health."

That last phrase might well serve as the slogan of all the professional patriots.

In the World War, the House of Morgan handled \$2,063,350,000 of munitions orders from the Allies. In the Nye investigating committee hearings, the present J. P. Morgan denied that his banking house was the leading or largest single factor in driving America into

the war. In this contention he was right. But the investigation proved completely the thesis that our financial and business interests united with the Allies to profit from the war — the House of Morgan was the largest — creating a situation which brought the United States into the war. As President Wilson himself admitted,* it was chiefly the commercial, economic, business, and profit motive that led us into that tragic, useless slaughter.

In the World War, the house of Mellon, headed by Andrew W., turned its hundreds of millions into billions. In 1915, it contracted with the Allies for the output of the Koppers Gas and Coke Company, and according to Mellon's biographer, Harvey O'Connor, the banker obtained control of this concern by turning Dr. Heinrich Koppers over to the authorities as an enemy alien.

In the first three years of the World War, when America was not yet at the front, our big businessmen made at least \$3,000,000,000 excess or war profits.

For example, the Copper Patriots: the Graham Congressional Investigation Report names them as John D. Ryan of Anaconda, R. L. Agassiz, W. A. Clark of United Verde and Magma, Murray M. Guggenheim of Chile Copper and Guggenheim interests, James McClean of Phelps-Dodge and Greene-Cananea, Charles MacNeill of Utah Copper and Stephen Birch. You will find all these names among the founders and patrons of the patriotic societies. But you will have to go to a congressional investigation report to find that when Secretary of the Navy Daniels insisted that eighteen cents a pound was a fair wartime price for copper, the patriots answered that there was a shortage, and compromised for twenty-three and a half cents. Eventually the Ryan committee raised that to twenty-six cents.

The slaughter ended too soon and too suddenly for the war profiteers. The Copper Patriots, it was soon found, had lied to the government about the shortage of their product; they actually had three billion pounds on hand which they could have sold Secretary Daniels at sixteen cents; moreover, they could have sold the lot at from eight to eleven cents and still made some ten per cent profit. As it was

* In St. Louis, September 5, 1919, Wilson said, "The seed of war in the modern world is industrial and commercial rivalry. . . . This was a commercial and industrial war. It was not a political war."

MacNeill's Utah company made a profit of 200 per cent of its capital stock in 1917 and another 150 per cent in 1918, and Ryan's Anaconda and other companies profited from 60 to 800 per cent. The Graham Report * concludes:

"How many criminals have been uncovered? It matters not how many have been uncovered, it goes without saying that none will be prosecuted. . . . During the war hundreds of people were persecuted by the vigilante attorney-general for violation of the Espionage Act, but who has heard of a prosecution of a war profiteer? . . ."

Now take the case of the Carnegie Steel Company, then Carnegie, Phipps & Co., and its superintendent, Charles M. Schwab, now the head of Bethlehem Steel Company. The United States Navy had discovered that armor on several of its warships was defective, that blow holes had been plugged up, that not only the safety of the vessel and the lives of its sailors, but victory or defeat for the nation in case of war at sea had depended on this armor plate on which the Carnegie company had defrauded the government. William E. Corey was called before Congress to testify: †

Question: Did anybody above you — did a superior officer — know that you were doing this thing?

Corey: Yes, sir.

Q: Who was it?

Corey: Mr. Schwab knew about it in a general way.

Q: Did anybody else?

Corey: No, sir.

The House report says in conclusion: "The servants of the Carnegie Steel Co. (whether with or without the knowledge of the company), to increase their gains, deliberately continued for many months to commit acts whose natural and probable sequence would be the sacrifice of the lives of our seamen in time of war, and with them perhaps the dearest interests of the nation. . . . No fine or mere compensation is an adequate atonement for such wrongs. The

* War Policies Commission Hearings, page 614.

† House of Representatives, Report 1468, 53rd Congress, 2nd session, "Violation of Armor Plate Contracts," page 559.

commission of such frauds is a moral crime of the gravest character. . . .”

Damages were assessed at \$600,000 against the Carnegie Company and compromised at \$140,000, thanks to the protests of Philander C. Knox, its general counsel who later became Secretary of State and who always remained a leading patriot and errand boy of the coal and steel corporations of Pittsburgh. But in the years in which faulty armor was sold the government, 147 soldiers and sailors were killed and 10 maimed as the result of explosions, bursting guns, faulty breech-locks, on twelve battleships and two coast forts.

Schwab, Carnegie, Corey and many others who were investigated in this fraud continued to remain patriots. Schwab had been one of the founders of the Navy League in 1903.

In 1929, Schwab was called upon to testify before the United States Naval Affairs Committee (Senate) Hearings, 21st Congress, “Alleged Activities at the Geneva Conference.” The purpose of this investigation was to determine the truth or falsity of the report that the warship manufacturers of the United States had sent an agent to a League of Nations naval peace conference for the purpose of breaking up any attempt at curtailing naval constructions. The agent, William B. Shearer, had boasted that he had, for “patriotic” reasons, “torpedoed” the naval conference. He testified:

“I had with me letters from practically every patriotic society in the United States, who endorsed my stand . . . the Native Sons of California, the Daughters of the American Revolution, and the National Security League, and a number of other patriotic associations who had supported me more or less in my own ideals of what I was trying to do, in bringing out the more important points of national defense.

“My publicity campaign continued in the Hearst papers, *Washington Post*, journals and weeklies. . . . I have advised certain patriotic societies in their campaign against the pacifists.”

Senator Allen: “I want to ask you, for their good as well as for the general information of the country, this question. There have come into this hearing, in testimony, the National Security League, the Daughters of the American Revolution, the American Legion, the American Defense Society, the National Committee of Defense.”

Mr. Shearer: "Yes, sir."

Senator Allen: "Have you been employed by them?"

Mr. Shearer: "I have never been employed by them. I have been their speaker and their adviser for years. . . ."

Senator Allen: "Who, Mr. Shearer, has been bearing the expense of this mass of propaganda material that has been going out since they (the ship interests) separated you from the pay roll?"

Mr. Shearer: "Mr. W. R. Hearst. . . ."

In the final report of the Nye committee to Congress it is recommended that the government take over munitions making, inasmuch as the patriots cheat the nation in time of war as well as in peace time. Schwab's dollar-a-year wartime patriotism is called, in this official report, an opportunity for him to line his pocketbook. "Patriotism and sacrifice were merely something to talk about to the public as far as Schwab was concerned," the Senate document reads. Bethlehem Steel was condemned "for demanding its pound of flesh." The Nye report also quotes the Du Pont official admission that the ordnance department drew a contract for 200,000 pounds of powder in such a manner as to exclude competition and enable the Du Ponts to demand and get an outrageous price. President C. L. Reiseron of the Remington Arms Company, a new Du Pont subsidiary, is quoted in the report as testifying that the war department went to extraordinary efforts to divert business from government arsenals to Du Pont plants. Meanwhile, the committee discloses, the Du Ponts and others were selling identical supplies to European governments at a fraction of the price demanded of their own government.

From numerous government investigations, the evidence is plain that the makers and profiteers of war are also the subsidizers of many of the leading red-baiting, anti-labor, anti-liberal, anti-progressive, superpatriotic societies. Morgan and Schwab of the Navy League are joined by the Du Ponts of the American Liberty League, by Elon H. Hooker, red-baiter, manufacturer of poison gas and chairman of the American Defense Society, and by Menken of the National Security League. Two of these noble organizations demand a little more investigation:

AMERICAN NAVY LEAGUE

Among the first contributors to the Navy League were:

J. P. Morgan Estate, \$2,000

R. M. Thompson of International Nickel, \$1,000

Judge Gary of U. S. Steel, \$1,000

Jacob Schiff, National City Bank, \$1,000

George F. Baker, First National Bank, \$1,000

Allan A. Ryan, Bethlehem Steel, \$250

L. L. Clark, American Locomotive, \$250

Bernard M. Baruch, \$500

“The Navy League upon close examination,” said Representative Tavenner * “would appear to be little more than a branch office of the House of J. P. Morgan & Co., and a general sales promotion bureau for the various armor and munitions makers. . . .”

I have not the space here to detail the marvelous propaganda of the Navy League. Its main purpose for years was to persuade America that armaments had nothing to do with causing war. However, in Pamphlet 80 it made the admission that “most modern wars arise largely from commercial rivalries”; it stated that “we are now seizing the world’s trade”; it predicted that following the World War “will come the most drastic commercial readjustment and the most dangerous rivalries *ever* known,” in which the United States will be “the storm center,” and that “consequently it is our duty to guard ourselves against these dangers.” That meant, of course, the building of the largest navy in the world for a purely commercial purpose.

In March, 1934, the New York head of the Navy League told me that we needed a big navy to fight Japan because Japan might sink some of our commercial ships. “It will be a matter of national honor,” he stated. In his letter to me of March 5, 1934, he sent me the news that *nowadays* “shipbuilders, munitions makers and those having a dependent financial interest in naval construction or the manufacture of munitions, are ineligible as members or as contributors.”

But on the tenth of February, 1936, a score of years after Congressman Tavenner pointed out that the Navy League was an annex of the House of Morgan, and that the munitions makers were the controllers and financial backers, the Nye committee heard testimony that

* House of Representatives, December 15, 1915.

the steel manufacturers, shipbuilders and steamship operators of the present day are the supporters of the same organization.

With President Nelson Macy of the League on the stand, the committee presented lists of life members and supporters, including Charles M. Schwab and Eugene G. Grace of Bethlehem Steel, John J. Raskob, a miscellaneous group of Du Ponts including Alfred I., Felix and Miss Evalina, and others interested in munitions.

"I do not want to cast aspersions on any member of the Navy League regarding his patriotic fervor," Chairman Nye (Rep. N. D.) said, "but I must ask whether there are any members such as would have a selfish or personal interest in a big navy."

"No," snapped President Macy, "and there never has been."

But a moment later he admitted that the Navy League had accepted contributions from ship operators who would profit from ship subsidies. The committee then presented a bundle of letters which League officials had been sending to ship concerns and asked for an explanation.

"We were trying to get them in," replied Macy, "because we feel we are fighting their fight in building up the merchant marine. We were trying to get their contribution."

Contributors they have listed in a Navy League letter of June 5, 1934, and entered in the official hearings included

Standard Shipping, \$200
Grace Lines, \$200
Atlantic & Caribbean, \$50
Chile Steamship Company \$10

Testimony was given that the secret files of the United States Navy General Board relating to the Washington arms limitation conference had been opened secretly to William H. Gardiner, president of the League when he was opposing the naval limitations treaty in 1930.

Sensational testimony on proposed red-baiting activity by the League was then introduced in the form of several letters signed by my friend, Executive Secretary Washburn. One letter asked if the strategic time had arrived for the Navy League to "crack down on the Federal Council of Churches of Christ in America."

From the foregoing evidence the reader may form his own judg-

ment on the Navy League, its motives and its methods. In the *Congressional Record*, Arthur Capper, Kansas editor and senator, said the Navy League munition makers "have a selfish interest to override their loyalty to their country and their regard for the truth"; he accused the League of "false statements, misconstructions of government reports, half-truths hooked up with barefaced falsehoods — every time we have tried to hold down expenditures for the Navy to a reasonable limit," and he concludes by calling it a "greedy commercial organization" seeking to make excessive profits "under the plea of super-patriotism."

NATIONAL SECURITY LEAGUE

Among all the cheap money patriots none has been so thoroughly exposed and discredited as the National Security League, which today cooperates with the Hearst press and disseminates red-baiting propaganda signed by Lt. General Robert Lee Bullard (ret.), former commander of the Second American Army in France.

The exposure and discrediting of the National Security League was done by Congress. "If the curtain were pulled back," said the House of Representatives Report No. 1173, 'Investigation of National Security League,' "in addition to the interests heretofore enumerated the hands of the Rockefellers, of Vanderbilt, of Morgan, of Remington, of Du Pont, and of Guggenheim would be seen, suggesting steel, oil, moneybags, Russian bonds, rifles, powder, and railroads."

The National Security League probably did more than any other organization to propagandize our entry into the war. Its founder, S. Stanwood Menken, may have been nothing but a patriot, and in fact all the men who subsidized the League shouted aloud their patriotism. It is, however, no coincidence that a majority of them are finance-capitalists and merchants of death and that all, without a single exception, are the leading profiteers of the World War in America.

The House Report begins by charging the officers of the National Security League with evasiveness and lack of candor; it then states that S. Stanwood Menken, the founder, is a lawyer representing railway and public utility controlling corporations and that the organization has foreign entanglements, and continues:

"Among the large subscriptions made to the National Security

League is one of \$150,000 made by the Carnegie Corporation . . . ; another is that of John D. Rockefeller, having large interests both here and abroad; another is that of Mr. J. Pierpont Morgan, whose large interests are not confined to this side of the Atlantic." Other large contributors are given:

Nicholas F. Brady, U. S. Rubber and 50 corporations, \$4,500
 U. S. Rubber Co., \$4,500
 Arthur Curtis James, Phelps, Dodge and 42 corporations,
 \$29,750
 Mortimer and Jacob Schiff of Kuhn, Loeb, \$3,250
 Mercantile Marine
 George W. Perkins, U. S. Steel, I. M. M., etc., \$750
 H. H. Rogers, Standard Oil, \$1,000
 W. K. Vanderbilt, director, 38 corporations, \$250
 P. W. Vanderbilt, ditto, \$750
 Clarence H. Mackay, Postal Telegraph, \$1,000
 Eversley and W. H. Childs, U. S. Leather, \$7,500
 Bernard M. Baruch, \$6,500
 James B. Ford, U. S. Rubber, \$1,000
 Simon, Murray and Daniel Guggenheim, \$3,750
 T. Coleman Du Pont, \$9,000
 Charles Deering, Int. Harvester, \$1,550
 J. P. Morgan, \$2,300
 John D. Rockefeller, \$35,000
 Carnegie Corporation, Andrew Carnegie, president, and Elihu
 Root, vice-president, \$100,000 (with \$50,000 promised)
 Henry C. Frick, U. S. Steel and Mellon National Bank, \$3,500

The report then shows the financial connections of Alexander J. Hemphill, Franklin Q. Brown, Robert Bacon, H. B. Harris, Frederick H. Coudert, and Franklin Remington, directors of the League and of chemical, powder, munitions, public utility, and other profiteering corporations during the world war. "Mr. Menken," continued the report, ". . . stated he wishes to see the income tax lessened at the upper end and enlarged at the lower end. . . ."

In conclusion the Federal Corrupt Practices Act is cited in the report and the recommendation made that the penalties, a fine and imprisonment of not more than one year, or both, be inflicted upon the National Security League. The report concludes that "The

National Security League and like organizations in their political activity constitute a serious menace to representative government."

A sample of the League's recent buncombe is that issued by General Bullard and published in Hearst newspapers. On August 9, 1936, at a time the Spanish Republic was fighting for its life against a plot of monarchists, fascists and the military, and had in desperation armed the workingmen and women, General Bullard (and Hearst headlines) called the government Bolshevik agents of Moscow and the plotting Fascists noble upholders of democracy. The popular front, consisting of republicans and democrats as well as Socialists, a few Communists and many liberals, is called communistic by Bullard, who has absolutely no evidence for such a statement except reports from the Hearst press and similar red-baiters. Bullard alleges the "Reds" had prepared secretly in Spain, and points out a "lesson" for America:

"Repeatedly, Communists have been reported to be accumulating arms in the United States.

"In some instances it has been PROVED that Communists here have drilled squads of youth.

"Authenticated information has been published in the Hearst newspapers regarding distribution in this country of Communist manuals and drill books. . . ."

The italics, the capital letters, the quotes — all are the general's, and so is the buncombe, the misinformation, the false statements, the absolute nonsense and the hysteria.

When I think back to the days and nights I spent in General Bullard's headquarters, in the field, before and during the great battles of the Second Marne, Villers Cotterets, and the Advance to Sedan, and I remember the tremendous demand for facts, for evidence, for reliable statement, which went into the preparation of a battle, which was necessary for the most effective slaughter of human beings, I find it hard to believe that this should have happened to a great soldier — that he should be cooperating with Hearst, that he should be writing for Hearst, that he should be expressing himself without intelligence, without reasoning, without finding the evidence and the truth first. General Bullard, whom I once respected as a first-class fighting man, reminds me today of a scared rabbit running for his life.

Chapter 11. GOOD PROFITS IN PATRIOTISM

DESPITE all its pretenses of patriotism, all its propaganda about upholding the Constitution, and rallying around the flag, the National Civic Federation whose letterhead says it organizes "the best brains of the nation" is, by its own admission, pledged to uphold the profit motive. Unlike other superpatriots, it admits its interest in money.

At a luncheon-conference at the Lawyers Club, New York, May 24, 1934, Ralph M. Easley, chairman of the Civic Federation's executive council, delivered a report on certain of its activities. First, he admitted that the organization "has steadfastly advocated amendment to the Sherman Anti-Trust and Clayton Acts to permit reasonable combinations"; second, he repeated the findings of a special commission studying public utilities, which reported "unanimously in favor of private operation."

Trusts, the profit motive, private ownership of public utilities are only component parts of the ideal of the National Civic Federation, as interpreted by its inspired head, Easley. The ideal itself is that of the economic royalists and the Liberty League.

Montague Norman, governor of the Bank of England, had just written to M. Moret, governor of the Bank of France, that only drastic measures would save the capitalist system from being wrecked; Hjalmar Schacht had just published his pre-Hitler book in which he said that "capitalism which cannot feed the workers of the world has no right to exist"; Owen D. Young said at Thomas W. Lamont's luncheon that "the nations of the world must cooperate if the capitalist basis is to survive".

That was the spirit of the time. The 1929 crash had been followed by the 1933 so-called bank holiday, and then the first Roosevelt upsurge, and intelligent men and women the world over were speaking about the problems which beset the nations. But no doubts penetrated the gigantic brain of the great Easley. It was closed against what Japanese imperialists call dangerous thoughts. He published

his *Let 'Capitalism' Speak for Itself*, subtitled, "Proposal to evaluate our achievements under the competitive system, industrially, socially and politically" and marked "Confidential — not for publication," a notation which does not bother me in the least.

It is an attack on the idea of the cooperative commonwealth and socialistic thinking. President Butler is disposed of by the question, where would he have been if rich men had not subsidized Columbia. The paradox of starvation in the midst of plenty is admitted; then the statement is made that the (first) Russian Five-Year-Plan is a failure, which is the exact opposite of fact and the report made by Easley's guest, M. Theunis; and finally the achievements of capitalism are listed including telegraph, radio, cinema, and also the "beam of light starting from Arcturus forty years ago and arriving on schedule time in Chicago on the night of May 27 in this year of Grace! . . . And all this under 'Capitalism'!" (The quotation marks and the exclamation points are Easley's.) All in all, he believes, this constitutes "the true American ideal."

The high point of the Easley campaign was the collection of thousands of names of better Americans in the fight against recognition of Soviet Russia. In a letter signed by Matthew Woll, James W. Gerard, John Hays Hammond, James R. Sheffield, Joseph P. Ryan, Peter J. Brady and others, the attention of America was called to "a most disturbing situation concerning our national safety. It is almost unbelievable that such a condition of affairs could have existed in this country. . . . The National Civic Federation has played almost a lone hand since 1924, its cry of alarm has been ridiculed as 'recrudescence of the spy hysteria and Palmerism of war days'. . . ." In Easley's attack on the Soviet the question of returning property to Americans is not forgotten. Among the signers are Elihu Root, John W. Davis, a Morgan lawyer, clerics of the Protestant, Catholic and Jewish faiths, including the noted Rt. Rev. Ernest M. Stires, bishop of the Protestant Episcopal Church and early endorser of Mussolini and Fascism, various Congressmen and in overwhelming majority, leading American businessmen. For examples:

Walter Brown, Cleveland Worsted Mills Company
Darwin P. Kingsley, president, New York Life Insurance Co.
Marshall Field, banker, New York City
Walter S. Gifford, president, American Tel. & Tel.

E. M. Herr, president, Westinghouse Electric
 R. E. Wood, president, Sears, Roebuck & Co.
 Harvey S. Firestone, president, Firestone Tire
 J. P. Weyerhaeuser, president, Weyerhaeuser Timber Co.
 George B. Cortelyou, president, Consolidated Gas Co.
 Charles L. Edgar, president, Edison Electric, Boston
 Ralph B. Ives, president, Aetna Insurance Co.
 Graham G. Lacy, vice-president, Tootle-Lacy National Bank
 Samuel McRoberts, chairman, Chatham-Phoenix National
 Bank
 Daniel Willard, president, Peoples Gas Light & Coke Co.
 John D. Ryan, chairman, Anaconda Copper
 W. B. Storey, president, Atchinson, Topeka & Santa Fe
 Alvan Macauley, president, Packard Motors
 Percy H. Johnston, president, Chemical National Bank
 Grayson M.-P. Murphy, banker, New York City
 John A. Topping, chairman, Republic Iron & Steel Co.
 Howard Heinz, president, H. J. Heinz Co.
 George M. Verity, president, American Rolling Mill Co.

These are some of the names of the first column of the first page. The hundreds of others are mostly presidents, vice-presidents, chairmen of the boards of American oil, steel, coal, public utility, wholesale merchandise, railroads, and banks. Occasionally a gentleman describes himself as a capitalist (Potter Palmer and August Heckscher). Members of Congress are as thick as are thieves in Sing Sing. Among the notable members of the House is the Hon. Louis T. McFadden of Canton, Pennsylvania, the leading Jew-baiter of the time. There is of course the Hon. Royal S. Copeland, whom all the patent medicine men will thank to their dying day for his noble efforts in killing the Tugwell pure food and drug law. That the Hon. Hamilton Fish, Jr., is on the list goes without question.

Fair Harvard is represented by Dr. William B. Munro, professor of American History and Government, and fair Yale by Dr. Frederick S. Jones, dean emeritus. The academic world in fact runs a close third to the congressmen, who are second to the bankers and industrialists. Dr. Frederick B. Robinson, president of the College of the City of New York, is followed by President Antrim of Oklahoma City University, President Breyer of Meredith College, President Rt.

Rev. Conry of Columbia College, Dubuque, Iowa, President Cottingham of Louisiana College in Pineville, Louisiana, President Countiss of Grenada College, of Grenada, Mississippi, President Dearing of Oakland City College, Indiana, President Dimment of Hope College, Michigan, President Furry of Shorter College, Georgia, President O'Reilly of the University of Dayton, President Roemer of Lindenwood Female College, St. Charles, Missouri, and a dozen other Moguls of the higher learning.

Strange to say there is not a newspaper publisher or editor on the list of hundreds of the best minds in America. There is, to be sure, Victor Rosewater, who has "journalist" after his name.

Two thirds of the last column is made up of female representation. There is Mrs. John F. Sippel, president of the General Federation of Women's Clubs, Mrs. Lowell Fletcher Hobart, president-general of the Daughters of the American Revolution whose forebears not only confiscated but wantonly destroyed private property and refused to pay for it; Mrs. G. H. Brosseau, honorary president-general National Society Daughters of the American Revolution, Mrs. Finley J. Shepard, Mrs. Ogden L. Mills.

Leaving aside the numerous presidents of the fresh and salt water colleges, it is natural that a research worker attempting to gain an understanding of this mad world should look for a list of the leaders of intelligence in America. After all, the best minds, which the National Civic Federation claims it has gathered, should include a few ounces of brains resident outside the academic cloisters. There are, for example, such men alive as Sinclair Lewis and his rival, Theodore Dreiser, along with Sherwood Anderson. There are the so-called younger generation of Hemingway, Fitzgerald, Dos Passos, E. E. Cummings, Faulkner, Wilder, Thomas Wolfe, Caldwell, Cantwell, Waldo Frank, Hicks, Howard, Cowley.

Surely in this wide and long land there must be intellectuals fit to join the best brains of civic federation activity. A thorough search confirms the truth of this wish-fulfilling supposition. There are names. There are, in fact, two:

William Dudley Foulke, author, Richmond, Indiana.

Mrs. Elizabeth Shaw Montgomery, author, New York City.

And in between these two there appears the name of Elon H.

Hooker who gives his occupation as president of the Hooker Electrochemical Company, and not "merchant of death," although he will take your order for poison gas at any time he is not busy in the various patriotic societies of which he is a heavy pillar.

The Civic Federation's treasurer and general counsel is Archibald E. Stevenson, and its national advisory committee consists of Howard E. Coffin, the Hon. Royal S. Copeland, radio speaker once sponsored by a laxative, George B. Cortelyou, Brig. Gen. Delafield, F. Trubee Davison, Philip H. Gadsden, Elon H. Hooker, the Hon. John W. McCormack, William F. Morgan, Dr. Frederick B. Robinson, the Rt. Rev. Ernest M. Stires, Daniel Willard and dozens of manufacturers, bankers, business men, enemies of labor, "better" Americans.

[William Howard Taft, former president of the United States and member of the Supreme Court, resigned from the Federation because of Easley's attacks on peace societies. William C. Redfield, once Secretary of Commerce quit after Easley attacked the Youth Movement. President Warren S. Stone of the Brotherhood of Locomotive Engineers left after Easley had gratuitously denounced the British Labor Party, minimum wage legislation, old age pensions, and progressive labor legislation in general. Matthew Woll was forced to quit the presidency when the American Federation of Labor at last woke up to recognize Easley's gang as an enemy of labor.]

In 1931, Easley began turning the red scare herring into a nice commercial sandwich with his "Plan for an International Movement to Combat the Red Menace." Although he used the usual moral, ethical, patriotic and hysterical trimmings, his plan was frankly aimed at profits. The keynote at the launching ceremonies was sounded by M. George Theunis, Belgian politician and president of the International Chamber of Commerce. After Matthew Woll had called Russia "this Red Monster, this Madman," M. Theunis spoke about Russian oil for France, Russian lumber for Britain, Russian flax production and the success of the Five Year Plan which was putting Russian goods on foreign markets. Russian success was the great Russian menace that aroused the fear and trembling of the National Civic Federation and motivated its red hysterics.

Years ago Norman Hapgood had shown that "the National Civic Federation represents conservative business in its opposition to minimum wage laws, child labor laws, old age pensions and welfare

legislation." Easley had gone farther, opposing minimum wages for women and social insurance; he favored "the protection and preservation of chemical industries and chemical research as they affect the home, the health, the industry and the defense of the country" or more plainly, poison gas manufacture of the Hooker brand. And, in a letter which Ivy Lee made public, Easley wrote that "Mussolini would make short work" of Professor Scott Nearing, the Rev. Harry F. Ward of Union Theological Seminary, "and all other Red and Pink organizers who are either conducting or aiding and abetting the lesson in Revolution in Passaic."

Easley's anti-Russian hysterics were explained by Hapgood as caused by partnership "with Boris Brasol . . . one of the heads of the old Russian Black Hundred" (terrorists); recently the Labor Research Association added that in addition to befriending Tsarists, Easley "circulated their lies and forged documents. Easley peddled the infamous forged 'Whalen Documents' in Washington several weeks before their exposure as absolute forgeries in 1930."

The Whalen Documents were forged in New York City by red-baiters; they were exposed by a newspaper reporter named John L. Spivak who has since become America's ace journalist. Among his recent jobs was the exposure of the anti-Semitic movement in America, in the course of which he published photostatic copies of letters exchanged by Easley and George S. Viereck, and one in which Easley refers to his distribution of a book called *Communism in Germany*, an anti-Semitic publication.

Recently in an interview with reporters Easley made the admission that among the corporations which secretly supplied the National Civic Federation with funds was United States Steel.

The National Civic Federation setup is perfect. Its head is the leading red-baiter in America, one of the leading exponents of repressive legislation, one of the many reactionaries who would curb all the liberties of all the minorities whose political, economical and social opinions differ from his own. He is able to gather all the narrow-minded reactionaries of the country to further his plans. It is not an accident or a coincidence that the vast majority of the men and women who endorse the National Civic Federation are businessmen and women. In the Fascist Pattern, as cut in Rome in 1920, and in Germany a decade later, it was a combination of exactly the same economic interests that destroyed the liberties of the people.

Chapter 12. DISTANT DAUGHTERS OF THE REVOLUTION

THE enemies of our common liberties, as has been shown, almost without exception pretend they are liberals when they war on radicals, always uphold the Bill of Rights when they attempt to deny it to those they hate, and in recent times always smear the latter with the Red tar brush. Only occasionally, either through naïveté or perhaps through unparalleled honesty, do the repressive organizations or the reactionary leaders openly assail intelligence and liberalism in their general campaign against those they call "subversive."

All credit therefore must be given the Daughters of the American Revolution who in one of their 1931 proclamations from headquarters courageously declared that "the departure from American ideals under the guise of liberalism, internationalism, advanced thought and radical theories, has progressed sufficiently to arouse the concern of those who believe that nationalism is synonymous with loyalty to country, and that in the adherence of youth to this ideal lies the future of America." It is quite true that in the red-baiting campaign which followed this declaration, radicals were nicely segregated from liberals, and neither advanced thinkers nor internationalists were bundled with communists, but the fear and hate of liberal and intelligent men, women, and organizations are definitely symptoms of the D.A.R. psychology.

This was illustrated in 1928, and later, by the blacklist scandal. Eleven members, resigning, accused the administration of this 100 per cent American organization of maintaining a policy "striking at the roots of American freedom and contrary to the First Amendment [free speech, free press, etc.] of the Constitution."

According to these eleven the D.A.R. not only circulated a blacklist but used it as a boycott. Among the organizations disapproved by the patriots were the Federal Council of Churches, the National Catholic Welfare Council, the Young Men's and Young Women's

Christian Associations, and the Women's Christian Temperance Union. The National Child Labor Committee incurred the enmity of the patriots because it aimed to free children from labor, and the Pennsylvania State Federation of Labor was specified probably because in addition to representing labor it also was anti-imperialist and anti-militaristic.

Naturally enough Senators La Follette, Borah and Norris were on the blacklist because they were liberal and progressive, and for the same reasons University Presidents Neilson of Smith, Woolley of Mount Holyoke, and MacCracken of Vassar. Among the notable individuals whom the Daughters of the American Revolution would not hear and suggested that other patriots boycott were William Allen White, the uncompromising anti-Ku Klux Klan editor of Kansas who was later to figure prominently in Republican political affairs, John Dewey, Will Durant, Carrie Chapman Catt, whose fight for peace in this warring world is undoubtedly an affront to all professional militarists, Clarence Darrow, Sir Norman Angell, Prof. Irving Fisher of Yale, Dean Roscoe Pound of the Harvard Law School.

Among leaders of the churches three bishops were blacklisted: Anderson, Brewster, and McConnell.

There was one governmental agency that fell under the black suspicion of the red-baiters: the United States Federal Children's Bureau.

And in the words of a non conforming member, Mrs. Helen Tufts Bailie, all the persons named were "educators, college presidents, professors, clergymen of all denominations, advocates of peace, workers for improvement in industrial and economic relations for social betterment, in short, the forward-minded, intellectual leaders of America." Inasmuch as no person or institution on the blacklist could possibly be called a red, it was thus proved that the D.A.R. was anti-liberal, anti-intelligent, and anti-labor in its program of patriotism, militarism, and industrial slavery for children. Mrs. Bailie — direct descendant of Anne Adams Tufts, participant in the American Revolution, decorated for bravery under fire when she nursed the wounded at Bunker Hill — called the activities of her colleagues "perverted patriotism." In a pamphlet with that title she said:

“At the Massachusetts State Conference of the D.A.R. in Boston, March 15, 1927, Mrs. Hurd, state chairman of National Defense, said:

“A list of the names of individuals and organizations which seek to embody communist principles in the management of our government has been forwarded to the regents of every Chapter in the country as part of the work in overcoming these influences.”

“At the meeting of my chapter in that same March, the Regent introduced a pamphlet entitled ‘The Common Enemy’ — which I later discovered to be written by Fred R. Marvin — together with a list of proscribed individuals and organizations.”

A footnote to the above adds:

“These lists referred to above are known as the Massachusetts lists, and were compiled by Mrs. Randolph Frothingham, of the Massachusetts Public Interests League. A similar list has circulated in Kansas. ‘The Common Enemy’ itself, a pamphlet sent out from headquarters in Washington, contains a blacklist. ‘Pacifism Kept Alive in Fifty Organizations’ is another blacklist circulated from the D.A.R. headquarters. The address on *Subversive Influences* by Capt. Geo. L. Darte, delivered before the D.A.R. Congress in 1927, and reprinted by the D.A.R. for distribution among the membership, contains a blacklist. Another preposterous blacklist is found in *Pastors, Politicians, Pacifists*, vigorously circulated by the D.A.R.

“. . . Facing public clamor over the contents of the blacklists, the National Board at first denied them; and now, assuming an attitude of injured innocence, calls them ‘lists of persons and organizations unfriendly to the D.A.R.’”

Some time later, in 1929, when the 1920 red-hunt was about to be revived, Mrs. Bailie disclosed the fact that the D.A.R. was being guided in its policies by the professional patriots and professional red-baiters of the country. “The membership,” she wrote*, “has seen its national officers captured by a propaganda of hate and fear instilled into the high organized state and chapter framework from the pens and tongues of Marvin, Jung, Cashman, Hunter, Shearer, Easley, Johnson, Welsh, Fries, etc.” Mrs. Bailie informed the press that “a whole system of espionage, innuendo, and aspersions is flourishing in more than seventy patriotic societies,” and that the

* *The Nation*, Sept. 25, 1929.

D.A.R. and the American Legion were "catspaws for a tremendous conspiracy to crush free thought and free speech, and even liberty itself."

The scandal occasioned by the blacklist exposure was still flourishing when another incident occurred to disclose the relations between this superpatriotic society and the red-scare promoters. A leading D.A.R., Mrs. Helen Brumley Baldwin of Morristown, New Jersey, made a public declaration that Jane Addams, the Rev. John Haynes Holmes and other notable leaders of American thought and action (named in the D.A.R. blacklist) were "playing the communist game." (Her excuse later was that the information came to her from Fred Marvin of the Key Men of America.) The Rev. William K. Bridge objected to what he termed Mrs. Baldwin's "lying imputations" and the latter sued for libel. The evidence was presented in the local courts and Mrs. Baldwin lost her case*. All the persons the D.A.R. blacklisted denied they were communists and on the witness stand Mrs. Baldwin seemed unable to distinguish between a communist and a pacifist, a common failing among militarists; so she was forced to emphasize her contention that she was merely parroting the propaganda sheets of the Key Men of America. She asserted she did so in good faith.

Press and public at that time, the now-seeming tolerant, broad-minded, liberal, intelligent days of pre-panic 1929, united in either laughing at the ridiculous spectacle the D.A.R. had made of itself — since few if any realized that it had more serious implications — or in openly denouncing the organization's actions. The director of the Baltimore Open Forum, Mercer Johnston, thought the D.A.R. needed "a good stiff drink of the simon-pure brand of the Spirit of '76." William Allen White wrote what was to be the epitaph of the startling episode: "If the rabble-rousing rebels of 1776 had been the same kind of people their timid daughters are, the Daughters of the American Revolution would be daughters of the American Tories. . . . The D.A.R. has been lured into the red-baiting mania. . . . The D.A.R. has thus yanked the Ku Klux Klan out of its own cow pastures and set it down in the breakfast room of respectability. Mrs. Brosseau [President-General of the D.A.R.] is a lovely lady with many beautiful qualities of heart and mind, but in her enthusiasm

* *New York World*, October 12, 1928.

she has allowed several lengths of Ku Klux nightie to show under her red, white and blue."

Thus ended the first important repressive outbreak by the flag-draped Daughters. Mr. White, who had laughed the Ku Kluxers out of Kansas, had started the national laugh which might ridicule out of existence the Klanny red hood with which the feminine patriots had replaced the original old fashioned liberty cap. And this might very well have happened had not times changed.

By 1935, the full sweep of the economic disaster had produced a desperate army of ten to fifteen million unemployed. Mr. Hearst, was raising the red flag for the purpose of confusing America about the real issues; and once more the D.A.R. joined the red-baiters, allied itself with Hearst, engaged in fights against free speech and public assembly, against the child labor amendment, and for teachers' oaths and the whole reactionary program.

At the 1935 convention of the Daughters it is true there was a small attempt to check this hysteria. The opposition to Mrs. William A. Becker, candidate for the presidency, was Mrs. Flora Myers Gillentine, and the issue was the endorsement by the former of a book called *The Red Network*, a sort of blacklist of prominent people which in the minds of strikebreakers, superpatriots, vigilantes and lynchers occupies the same high position as the forged *Protocols of Zion* occupy in the estimation of Hitlerites. D.A.R. headquarters had received posters announcing that this work was being "widely distributed by patriotic societies, American Legion, D.A.R., etc."; and the book jacket quoted Mrs. Becker, chairman of the national defense, patriotic education, and anti-subversive propaganda department as saying, "The information is very valuable and I hope it will stimulate many people to think more about the destructive agencies in our midst." (Among the "destructive agencies" were organizations favoring public ownership of utilities, the wife of the President of the United States, Jane Addams, the finest woman of her generation, practically all the great college professors, the Federal Council of Churches of Christ in America, almost all the leading writers in America.)

A committee on the Constitution reported that "it has served us well for 148 years; it is the most perfect document yet devised, and we must make it our business to see that it is not altered nor amended

to meet the needs of what we are told is a changing world. . . .” The fact that the Men of the Revolution proposed several hundred and adopted a dozen amendments, that they provided for amendment, and that the ancestors of the D.A.R. favored frequent amendment, meant nothing to the Daughters of 1935. In the New York state convention, economic problems and child labor were brilliantly discussed by Mrs. Edward B. Huling, chairman of the committee on national defense, who protested the proposed state child labor amendment in these ringing words: “God grant that enough patriotic men and women will rise up in every state of the union to protest against the sovietizing of the descendants of the brave patriots who founded this country. . . . Moderate work never hurt any one, and if the people of this country had indulged in this good, healthy means of livelihood for the last fifteen years we would not have many millions of our people on the unemployment relief today.” Mrs. Huling then spoke of the “God-given right” of our children “to work when and where they please, instead of pauperizing them by making them government charges, as they are in Russia today. . . . The socialism that has put this country where it is today is such a deadly insidious thing that few have grasped its sinister meaning.”

The 1936 Continental Congress of the D.A.R. was opened by Mrs. Becker with an attack on Communists but also an attack on the conditions that produce unrest. “Starvation wages,” opined Mrs. Becker, “are a blot upon our civilization. We must protect the small industrialists and give welcome to the honest labor unions.” Those who thought this liberalization of official viewpoint meant something were soon disillusioned when the rest of the session continued to shout “Red” and “Communist” at everyone who sought to ameliorate the conditions which produce unrest and starvation wages. Congress, one speaker said, was full of Communists and Socialists who were boring from within; Senator Frazier, who favored a national referendum in case of war, was called a Communist; Representative Marcantonio, who sponsored measures against starvation wages was called a Communist; the New Deal was called communistic; the TVA, which is aimed to aid the public and cut the profits of the public utilities, was denounced as communistic.

The convention adopted resolutions against amending the Constitution.

I have already praised the D.A.R. for its rare honesty among red-baiters in admitting that liberal and intelligent persons and organizations were also under its suspicion. It was not until I investigated the official publications of the organization that I discovered that the D.A.R. is also one of the few red-baiting organizations — perhaps the only one — which frankly favors Fascism.

Here in the 1934-35 handbook, *National Defense through Patriotic Education*, which in its foreword says it contains "facts, not guesswork or propaganda," an analysis is made of Socialism, Communism, Pacifism and Internationalism, Fascism and Nazism under the general title, "Subversive activities."

"Socialism," says the handbook, is "production for use and not for profit. Socialism — a theory of government by the working masses based on Marxian principles . . . aims to establish the proletariat . . . fosters class consciousness . . . eradicates individual rights and destroys initiative . . . foments strikes . . . works for shorter hours, higher wages, social insurance . . . as a party is divided and contradictory . . . opposes imperialist war and Fascism . . . advocates total disarmament . . . would turn any war into class revolution . . . desires a new constitution for the United States . . . abolishes private property rights."

The foregoing may not be propaganda but it is the cleverest mixture of falsehood with facts that this writer has seen in all the red-baiting literature which has been issued in the United States since 1917.

Of course when it comes to Communism you may expect the Daughters of the American Revolution to swallow Mr. Hearst and all his works, plus Mr. Easley, the Lusk Committee and Mrs. Dilling, and regurgitate in its pages of "fact, not propaganda." It does so. Then it states that the theories of Pacifism are fallacious. It polishes off Internationalism in the same pontifical manner, shows how selfish Atheism is, and thus comes to the penultimate of its subjects:

FASCISM

1. Spiritual interpretations essentially an ethical concept.
2. Right of private property — Charter of Labor — Intervention only when private initiative is lacking.

3. Social responsibility — Class Distinction — Recognizes natural inequalities.
4. State Supreme.
5. Opposition met by annihilation.

There you have it. After all the horrors of Socialism, Communism, Pacifism, Internationalism and Atheism have been exposed, the Daughters of the American Revolution analyze Fascism, showing that spiritually it is ethical; that it protects private property, the fetish of all superpatriots; that it maintains a class distinction, something which the far distant Daughters of the bloody revolutionaries of 1775 have not quite been able to effect legally; that it recognizes inequalities which the Daughters have long recognized; and that it has met the opposition with annihilation — a method which the Daughters have not yet advocated, although they have advocated legislation making life miserable if not unbearable for those who hold political and economic views they oppose.

Concluding the handbook (page 54) is a warning against gullibility. "Propaganda," say the Daughters, "constitutes a grave danger because, through it, many are led to support movements which, if unmasked, would not be countenanced."

In the 1932-33 book on national defense sent out by Mrs. Becker we also see the fascist mind of the D.A.R. In suggestions for study and work, chapters are urged to "Form 'Vigilance Committees' as suggested by General Pershing. Their aim should be to inspire local citizens to form a 'Vigilance Committee' of *men* whose platform will be to wake up the indolent well-meaning; to make all honest citizens realize the necessity of curbing crime and its running mate, Communism; to awaken individual responsibility in politics." (And destroy the workers bookshop in San Francisco, for example?)

The D.A.R. is so militaristic that when Mrs. Eleanor Roosevelt brilliantly suggested that with the teaching of love of country the Daughters also "should leave no stone unturned to prepare every one to live for his country," instead of dying for it, there was hardly enough applause to be decent.

All in all, the Daughters of the American Revolution, while unable to take first place away from the Legion and the Chamber of Commerce in red-baiting and other reactionary activities, can still claim to be the leading Tories of America.

In August, 1936, the convention of the American Federation of Teachers enthusiastically opposed the "fascist-minded professional patriots." An oratorical high point was the statement by Professor Hacker of Columbia:

"The Daughters of the American Revolution are the most dangerous enemies of the free schools in America. It is time these busybodies were told what their ancestors fought for."

My friend Vrest Orton in the *Rutland Herald* tells the story of a Vermont lady who was foaming at the mouth at her own dinner table one day against certain political speeches over the radio.

"But you believe in free speech, don't you?" she was asked.

She replied she did, but not for people spreading "revolutionary doctrines."

She was asked why she belonged to the D.A.R. and replied: "Because my grandfather fought in the American Revolution."

"Which side did he fight on?" a guest asked.

Chapter 13. CRUSADERS, SENTINELS, VIGILANTES

ONE of the easiest ways of getting into the "big money," the Senate committee investigating lobbying proved, is to form a "patriotic" organization and come to a secret understanding with Big Business and the men fighting the labor movement. The economic royalists will hand out hundreds of thousands of dollars without much questioning. The patriotic organization will then raise the American flag and under its protection spread propaganda for its financial sponsors, fight reform legislation, protect corporations, defend Wall Street, monopolies, holding companies, the status quo, the open shop and child labor, and at the same time undermine faith in honest unionization movements.

The easiest "fall guys" for patriotic organizations, the evidence showed, were the Du Ponts, with General Motors, the Sun Oil Company, Weirton Steel, and other corporations and their heads bringing up the rear.

The Crusaders, the Sentinels of the Republic, the Minute Men and Women of Today, the Defenders of Democracy, Farmers' Independence Council, Paul Revere Society, Southern Committee to Uphold the Constitution, America First, Inc., and other self-styled honest and impartial patriotic organizations which have received money from big businessmen are, according to the *New York Post*, "not bona fide popular organizations but propaganda stooges for powerful financial and business interests." At the time the Senatorial committee exposed them, Jay Franklin added the names of the Pennsylvania Protective Association, the National Economy League and the New York State Economy Council as "part and parcel of an impressive flyer in political financing."

The Senate committee, exposing numerous subsidized organizations, showed clearly the relation between patriotism and money, in much the same way as the munitions interests and bankers have

been shown to be the angels of Fascism in Italy and Nazism in Germany. No wonder the committee headed by Senator Black was denounced as "the blackguard committee" in the Hearst press. It was performing one of the most valuable public services for real Americanism in our time.

THE CRUSADERS

Formed years ago to fight prohibition, the Crusaders were left high and dry with 1,250,000 members in 1933. So they held a meeting in Chicago, where anti-Roosevelt business leaders wrote out checks for about \$175,000, and the Crusaders went in for general patriotism. They were at first heard "by courtesy of the Columbia Broadcasting System" expounding noble views about Truth, the Constitution, Patriotism, Individualism, American Motherhood, the necessity of spiritual revival and the proposition that unemployment was merely a state of mind. These magniloquent orations, most of them delivered by Fred George Clark, national commander, were later published in a book, *The Crusader*, which bears on its cover a knight on horse, a sword marked Truth, a shield marked Tolerance. The horse itself is not marked, but it might have been labeled "Courtesy of Du Pont Powder."

Declares the preface:

"Never in the history of this country have so many people been interested in public issues. They have been asking questions. And they have been getting answers.

"But most of those answers are from charlatans, crackpot demagogues, misguided though sincere theorists, unconscionable political racketeers and preachers of class hatred and *not* from the sound, constructive and patriotic elements of our great country. . . ."

And here are examples of how paid patriotism works. In the name of truth and tolerance the Crusaders concentrated in attacking the Wheeler-Rayburn Public Utilities Bill, the amendments to the Agricultural Adjustment Act, and the Banking Bill of 1935. Broadcast 90, April 27, 1936, produced such everlasting gems of economic thought as: "no brain-truster, share-the-wealther, 'red or pink' has ever advocated thrift"; "it takes capital to finance the development of new capital"; "there is plenty of work in this country available for all who want to work in private enterprise." On June 4th it was

“Time for Straight Thinking” and “Liberty Is at Stake,” in a broadcast for constitutional freedom and individual liberty in which reactionary Democrats and conservative Republicans were urged to unite under the banner of “true liberals.”

In a pamphlet, *Which Way America?*, the statement is made that the Crusaders are politically impartial; therefore “no contributions will be sought or accepted on partisan basis or from partisan sources.”

Then, suddenly, the Black committee swooped down and there stood the Crusaders with \$160,000 of Du Pont, General Motors, Sun Oil, Weirton Steel and Kuhn Loeb money in their hands; \$5,000 from Sewell Avery of Montgomery Ward, who is active in numerous reactionary organizations; \$5,000 from E. R. Crawford of McKeesport Tinplate; \$5,000 from Philip Wrigley; \$5,000 from Edward G. Seubert of Standard Oil of Indiana; \$5,876 from General Mills, James F. Bell, president.

The last item may also furnish an illustration of how these objective servants of Truth and Tolerance go about their work. Shortly after Mr. Bell patriotically donated \$5,876 to the patriots who would expose the charlatans of economics, Commander Clark of the Crusaders wrote to one of his trustees, Ralph A. Blaisdell, that “Bell was here yesterday and he . . . left word that they wanted us to attack the T.V.A. tomorrow night.” The Tennessee Valley Authority is probably the most important instrument for the emancipation of the American people from public utilities dictatorship yet created. The record shows that the T.V.A. was duly attacked in the subsequent broadcast.

Here in sum is an organization that announces itself against a “so called planned economy,” defends the private utilities, and calling itself non-political and non-partisan, takes the money of big business which also is non-political and non-partisan. The Crusaders platform also speaks of “our constitutional rights, our freedom, our individual liberties. . . .”

SENTINELS OF THE REPUBLIC

The platform of the Sentinels of the Republic calls for vigilant protection of freedom of religion, freedom of speech and freedom of the press, and of “the right of the citizen to retain the fruits of his labors guaranteed by the constitution.” It appeals for a cessation of

government espionage in private affairs, communications, and business, "involving persecution and intimidation"; it suggests that the civil service standards be maintained, freeing government employees from political control so that a government for free men would have its servants equally free . . . and so on.

Its first oratory program included the following super-libertarians: Senator Hiram Bingham of Connecticut, Colonel Henry Breckenridge, Colonel R. R. McCormick, William D. Guthrie and Representative James W. Wadsworth.

When the Senate committee took up the Sentinels, it immediately discovered their economic motivation: Irénée Du Pont, Alfred P. Sloan, of General Motors, E. T. Stotesbury, partner of J. P. Morgan & Co., and Raymond Pitcairn, Philadelphia industrialist.

Moral support, the committee found, came from Al Smith, John J. Raskob, Colonel McCormick of the *Chicago Tribune*, Colonel Breckenridge and William Randolph Hearst.

According to testimony of its treasurer, David F. Sibley, the chief financial backers of the Sentinels are Raymond Pitcairn, the Rev. Theodore Pitcairn, Harold F. Pitcairn, Mrs. Raymond Pitcairn, and Mrs. Harold F. Pitcairn. They contributed a total of \$102,550 in cash and loans.

Alexander Lincoln is president of the Sentinels. The Senate committee seized and published correspondence between him and W. Cleveland Runyon. Runyon wrote about "the Jewish Brigade Roosevelt took to Washington" and "this fight for West Christian civilization can be won but only if we recognize that the enemy is world wide and that it is Jewish in origin." President Lincoln of the Sentinels replied, "I think as you say that the Jewish threat is a real one." Runyon then wrote Lincoln that "the old line Americans of \$1,200 a year want a Hitler." All the activity of the Sentinels is merely big business propaganda, masquerading as national welfare.

AMERICAN VIGILANT INTELLIGENCE FEDERATION

Although Hapgood exposed Harry A. Jung ten years ago as the commissioner of an association "conducting a very thorough labor espionage service for its members," this superpatriot has enlarged his clientele and his activities. In 1926, Jung was the agent of the Na-

tional Clay Products Industries Association. Mr. Hapgood obtained and published the following letter signed by Jung on the 26th of September of that year:

General Manager,
North River Brick Co.,
R.F.D. 4,
Saugerties, N. Y.

Dear Sir:

Find herewith excerpt from confidential report received from one of our staff representatives in connection with the Connecticut strike situation:

"Lowrie did not speak tonight of using any violence, but begged the men to stick for the sake of their wives and children, saying further that next spring when this battle opened up again, the Hudson River district would be organized so that no influx of negro labor could occur, as is now the case, and with this road blocked, the C.B.M.A. would have to come to time."

It is essential that this fall, winter and next spring, the Hudson River operators get together and formulate a definite labor policy and it would be advisable to have the writer address you on the subject matter of "What is the U.B. & C.W. of A.?"* "What Do They Do?" "What Have They Done?" and "What Should We Do to Offset Their Activities?"

Very truly yours,

(Signed) H. A. JUNG,
Commissioner.

This man Jung also lectured on the evils of labor unions and according to Hapgood cooperated with other open shop and anti-union advocates such as Fred Marvin of the National Republic, Noel Sargent of the National Association of Manufacturers and Francis Ralston Welsh whom Jung described as "a patriot of Philadelphia."

Today Jung is the head of the American Vigilant Intelligence Federation, an anti-labor, red-baiting, superpatriotic and anti-Semitic organization, enjoying the patronage of Mrs. Dilling of red

*The United Brick & Clay Workers of America, the labor union of the industry.

network fame and other fine citizens. He is the publisher of *Items of Interest on the Patriotic Front*, which he claims is compiled from "materials and confidential reports" and which on page 2 has the following paragraph probably inserted to save himself the charge of malicious libel: "The statements herein, while not guaranteed, are based upon information from sources regarded by us as entirely reliable." Libel, criminal and civil libel, is carefully avoided in this publication but every subterfuge, every innuendo, every veiled form of attack, every within-the-law slander, every possible distortion and every half-truth is used against the victims of hysterical super-patriotism.

In the 1936 political campaign Jung joined with the Liberty League in denouncing the administration and social reform legislation.

On the first of December, 1933, on the note paper of the American Vigilant Intelligence Federation, Herr Jung wrote to Harry F. Sieber, of the Silver Legion of America, at Asheville, North Carolina:

In response to yours addressed to R. L. Peterson on November 28, we can give you a price of sixty cents per copy in quantity lots of the "Protocols."

As for "Halt, Gentile! and Salute the Jew," same can be had at ten cents per copy, in quantity lots or fifteen cents apiece.

In his pamphlet, *Plotting America's Pogroms*, Spivak makes the following charges against Mr. Jung:

That he is one of Colonel McCormick's protégés "and supplies the Colonel with a great deal of his 'inside' information about Communists and Jews."

That he is "the head of a widespread espionage organization" whose headquarters, in the *Chicago Tribune* Tower, are kept secret.

That "when Hitler came into power this Prince of Racketeers discovered that he could get cash by fanning the smouldering flames of anti-Semitism in the United States. . . . Today Jung is in constant touch with directors of anti-Semitic propaganda in Germany, and receives his instructions from Hitler's stronghold in Munich. The man to whom this hundred and twenty per cent American 'patriot' reports is Frank Schuller, c/o Frederick Deckel, Waskirnerstrasse, 7-13, Munich, Germany."

That Jung "organized a widespread espionage system in the radical movements."

That Jung collected large sums from Jewish businessmen, rich men, patriots, employers, exploiters, etc., for the purpose of fighting radicalism and labor organization, and used the sums to spread anti-Semitism.

BETTER AMERICA FEDERATION

A personal experience with the Better America Federation will illustrate the character of the organization. In 1929, it asked permission to reprint some five thousand words from my first book, *You Can't Print That!* and sent out thousands of circulars recommending the book, which did actually sell very well. The circular, however, showed that the Better America Federation picked only the chapter and paragraphs severely critical of Russia. As it was the intention of my book to denounce press censorship in all countries, and the Fascist censorship above all, since it is the meanest and most vicious, I accordingly wrote to the patriotic organization suggesting that in all fairness to its membership the situation in Italy should be mentioned.

Then I learned that the Better America Federation was not interested in being objective or fair, for it never replied to my letter, and it never reprinted any paragraphs showing how Fascism had destroyed civil liberties in Italy and reduced a nation to the lowest standard of living of any in Europe.

The Better America Federation's character is also well illustrated by the remark of one of its lecturers, Harry F. Atwood, who told an audience that "the curse of this country is the open mind."

This is the same patriotic organization which prevailed upon the Los Angeles Board of Education to prohibit the purchase of *The Nation* and *The New Republic*, two of America's most intelligent weeklies, for the school libraries.

It introduced a bill in the legislature denying the right of teachers to advocate changes in the Constitution, although the Constitution itself provides this right.

It stated in one of its propaganda pamphlets that if the Constitution were changed, business would lose profits.

The Better America Federation is one of the most important anti-labor organizations in California. Years ago, Norman Hapgood

noted that the major contributors to it were the open shop power and other public utility corporations, and that at one time this group of patrioteers had used a franker name, The Commercial Federation of California. Its president, at the time the change of name was made, was and remained H. M. Haldeman, who was also president of the Pacific Pipe and Supply Co., and its directors were millionaire real estate, department store, and public utility industrialists. One of its directors is A. S. Lavenson, vice-president of the Capwell Department Store in Oakland.

In reporting the California Commission on Immigration and Housing hearings, Franklin Hichborn cites the fact that the Southern California Edison Company contributed \$3,000 a year to the Federation, and adds, "Thus, in 1920, the San Joaquin Light and Power Company subscribed \$300 to the Better America Federation out of 'surplus,' . . . The Southern California Edison Company had its \$3,000 a year Better America Federation contribution more carefully covered up."

These and other disclosures led to Senator J. M. Inman's statement on the floor of the state senate, that "we see the Better America Federation at work using what control it possesses to serve the special interests. Under a false title, American citizenship and better national life, we find it being used openly and actively in trying to aid these corporate interests in their endeavor to evade just taxation." Of the financial subsidizers of the B.A.F. the senator said, "These gentlemen are typically of the reactionary type, representative of 'Big Business' and ready to serve the big special interests in so primitive a form of special privilege as evasion of just taxes . . . and unbridled exploitation of the people of our state."

In the red-baiting propaganda of the B.A.F., public water works and public service commissions are described as "bolshevistic." The admission is made in an appeal to "save our state" that "we believe that the protection of private property and of private business is vital to the progress of this state. We believe that public ownership and public control of business through a multiplicity of boards and commissions is socialistic and bolshevistic in tendency." In a piece of propaganda addressed to the public schools the horrible prediction is made that if "free thinkers or liberals in America succeed in materially changing our constitution . . . there will be no profit to

worry about in business. Maintenance of the Constitution of the United States is the highest form of business insurance." Mr. Hapgood justly concludes that the whole object of the organization is to fight for the protection of the special privileges of the power companies and public utilities which support it, "and it serves them in the guise of disinterested patriotism . . ."

Chapter 14. ELKS AND OTHER BETTER AMERICANS

THE Benevolent and Protective Order of Elks is known throughout the United States as a fraternal organization which does not mind taking a drink.

In the old days its purple pennants decorated many a barroom and during the sixteen years of alcoholic drought many B.P.O.E. clubhouses flourished greatly because their liquor was of a higher quality than that of the speakeasies. Elks were known as friendly, goodnatured folks not overburdened with brains. Babbitts and Elks were almost synonymous. Republican and Democratic politicians courted Elks as they did Masons, Knights of Columbus, Moose, Eagles, Owls, Woodmen, and other fraternal orders, but none of these organizations ever entered partisan politics openly.

But when a policeman's son named Michael F. Shannon took over the grand exalted rulership in the midsummer convention of the B.P.O.E. in 1934, he made a speech which marked the emergence of the order into politics — that is, Hearst politics, with the usual red-baiting, anti-labor and anti-academic-freedom trimmings.

Shannon arrived in Columbus, Ohio, the time of the big strike in his home state, California, and his fraternal mind was filled with Hearst and Chandler editorials calling it "a Moscow-inspired red revolution." Labor was out for higher wages, and that was about the same as "Moscow" to the newspaper owners and Chamber of Commerce boys in California. Michael F. Shannon raised the red scare at the Elks convention.

"The time has come," he shouted, "when the issue is between the Stars and Stripes of the United States of America and the Red flag of the Communist International."

"And," continued the demagogue in a sinister whisper, "we are now meeting in Communist District Number 10."

That stampeded the Elks.

Among the practical things Grand Exalted Ruler Shannon suggested was a little Fascist militia work. "The police departments and sheriffs' offices of the country," he said, "are the first line of physical defense. When they do their duty, let them have the encouragement that is their due. Go further, and give them every assistance that they can use and want within the law."

During his rule Shannon traveled up and down the states urging and helping the introduction of gag bills and finally appeared in Washington where he, the son of immigrants once held undesirable, once hounded and reviled, pleaded for the deportation of present minority alien groups. He also quoted Jefferson and Lincoln in support of the Elks' Eight Point suppression program.

Under Shannon guidance, the *Elks Magazine*, heretofore devoted to fiction and lodge news, was turned into a red-baiting organ of the true Hearst color. Its intelligence can be judged from the following samples of social and economic moronity published in its February, 1935 issue:

"The clergymen who talk about 'production for use instead of production for profit'," pontificates Samuel Crowther, "and the evils of the 'profit system' do not know that they are asking for a new system in which the individual must give up every right — including the right to have a religion of his own choosing." (The Swedish cooperatives, for example, Mr. Crowther?)

"There have never been any classes in this country." (Mr. Crowther repeats Judge Gary; the labor unions think differently.)

"They (the Communists) never inject themselves into a situation except to make it worse. They aim always to provoke bloodshed in order to gain publicity. . . ." (Remember that there is no established instance of radical provocation according to Civil Liberties investigation, many instances of police provocation.)

"Ours is not a capitalistic system in the old sense. Neither is it a profit system. It is a profit and loss system. The ownership of wealth does not greatly matter. . . ." (But why continue?)

AMERICAN COALITION

In "An Open Letter to the American People," the American Coalition, one of the several super-superpatriotic organizations,

professes one ideal which is exactly that of all the libertarian groups which the Coalition despises and attacks. Says the Coalition:

"The time is ripe for united, vigorous, organized effort in defense of the rights and liberties guaranteed to the individual under the Constitution of the United States. There must be action. Liberty cannot defend itself. Our ancestors won freedom by fighting for it. The question is what will you do as a citizen to retain it? . . ."

But the Coalition appeal to patriots continues with this nice new note: "Is the right to own private property worth a struggle?"

In the declaration of principles which follows this prologue, the Coalition apparently announces itself against all relief for the unemployed. Plank V reads: "We hold it to be self-evident that Governments are supported by the people, and that the people cannot be supported by the State."

Plank VII harks back to private property: "We hold the right of ownership of private property is a badge of freedom. . . ."

In a leaflet explaining the relation of cooperating organizations to the American Coalition, written by Mr. Justice Josiah A. Van Orsdel the fourth object of the organization is stated: "To expose and combat the political and economic fallacies of Socialism and Communism."

Among the members of the Coalition are all sorts of labor-fighters, red-baiters, anti-Semites and gag-law advocates. But no member can exceed in cruelty the anti-Semitic action of the Coalition of January 23, 1935, when it addressed the President of the United States in a protest against the German Jewish Children's Aid, which contemplated bringing 250 child victims of Hitler's terror to America. President John B. Trevor of the Coalition rages over the question of who would pay the passage money. The German Jewish Children's Aid had stated that individuals planned to do so. "Our information is to the contrary," declares President Trevor in a letter to all the officers of societies in the Coalition. He gives no evidence, paints a ghastly picture of these 250 children growing up endangering America. "The time has come to put America on guard!" concludes the shepherd of all the patriots.

With still greater indignation the head of the Coalition informs the President that he has come upon the order issued March 15, 1934, by the Department of Labor, which reads:

To All Immigrant and Nationalization Districts:

In view of a recent opinion of the Solicitor, you are advised that membership in the organizations listed below does not in itself constitute grounds for the institution of deportation proceedings under the immigration laws:

National Miners Union
Marine Workers Industrial Union
Metal Workers Industrial Union
National Textile Workers
International Labor Defense
Trade Union Unity League
Tampa Tobacco Workers Industrial Union.

But President Trevor states he has a pamphlet of the Trade Union Unity League which says it "believes in the class struggle," and therefore, "allow me to suggest that, in my opinion, this advocacy of force and violence brings members of the Trade Union Unity League within the scope of the statute. If it does not, we need not puzzle our minds as to why our laws are held in contempt by the aliens within our gates."

The American Coalition, "an organization to coordinate the efforts of patriotic, civil and fraternal societies, to keep America American," is officered as follows: John B. Trevor, president; V. S. McClatchy, honorary president; Mrs. G. L. H. Brosseau, first vice-president, Bainbridge Colby, second vice-president, Madam Cantacuzene-Grant, third vice-president, William R. Pattangall, fourth vice-president, Tomkins McIlvane, honorary counsel, Mrs. William Sherman Walker, secretary and Frank B. Steele, treasurer.

Walter S. Steele is chairman of its national security committee.

The executive committee consists of the following persons, almost every one known as a professional patriot and red-hunter: Trevor, Chaillaux of the American Legion, Edwin S. Bettelheim of the Military Order of the World War, Victor E. Devereaux, of the Veterans of Foreign Wars, Amos A. Fries of the National Sojourners, Henry N. Bradley of the Patriotic Order Sons of America, Mrs. Mary Logan Tucker, Daughters of 1812 and Mrs. Anna Nagle, National Auxiliary, United Spanish War Veterans.

Among those on the program committee for the American Eve-

ning Hour are none other than the red-baiting Walter Steele and the distributor of anti-Semitic propoganda, Herr Jung of Chicago.

The Coalition claims a hundred participating organizations including the following:

ARISTOCRACY

Order of Colonial Lords of Manors in America (believe it or not)

General Society of Mayflower Descendants

PATRIOTS

National Patriotic Council

National Patriotic League

National Patriotic Association

Patriotic Order of Americans

Patriotic Order Sons of America

Patriotic Women of America

Women Patriot Corporation

Women's Patriotic League

VIGILANTES

American Vigilants Alliance

American Vigilant Intelligence Federation

American Vigilants of Washington

Junior America Vigilant Intelligence Federation

PLAIN BUSINESS

Industrial Defense Association

Better America Federation

LIBERTARIANS

Sons and Daughters of Liberty

NUTS

Colonial Order of the Acorn, N. Y. Chapter

GENERAL COURT

Forty-five organizations whose patriotism is exclusively anti-labor and reactionary federated themselves in May, 1936, at a convention in Bronxville, New York (the winter home of the author of *It Can't*

Happen Here), into the General Court of the Patriotic Societies of America. All the speakers raged against the New Dealers and Communists and in favor of the "preservation of our cherished institutions." Colonel Jennings C. Wise, historian of the Founders and Patriots of America, assistant attorney general in the Hoover administration, suggested the merger of "the constitutionalists of the two major parties under a new party name" so that any attempt to modify the present system would be defeated.

LEGION OF VALOR

Academic freedom is communistic, in the opinion of the 1936 convention of the Legion of Valor of the United States, a society of soldiers who have won either the Distinguished Service Cross or the Congressional Medal of Honor.

DISABLED AMERICAN WAR VETERANS

From Mr. Hearst's *New York American* come the two following items dealing with this patriotic society: (1) an interview with Marvin A. Harlan of El Paso, retiring national commander, Disabled American War Veterans urging "deportation of reds," and (2) a statement made at the 1935 convention by National Commander Volney P. Mooney as follows: "We wish to thank men like William Randolph Hearst, who have enabled veterans to carry on their fight to rid the United States of un-American activities."

VETERANS OF FOREIGN WARS

From the columns of the same patriotic Hearst *American*, in an editorial on "Mandatory Deportation," comes the quotation of James E. Van Zandt, national commander, Veterans of Foreign Wars, charging that "Secretary of Labor Perkins and the heads of the senate and house Immigration Committees are controlled by alien interests. . . . Not one of them has a record of favoring any measure really safeguarding Americans by substantially limiting the entry of foreigners."

SONS OF THE AMERICAN REVOLUTION

The Sons of the American Revolution are neither as hysterical as the Daughters nor as strident, unfair, and ridiculous. But when is

comes to red-baiting they can become just as hysterical, strident, unfair and ridiculous as the girls. Mr. Hearst's *American* (November 11, 1935) reports that the "S.A.R. Defends Constitution. Great Order Called upon to Save U.S. Liberties," and has the boys saying "that American liberties, bought with heavy sacrifices by the nation's fathers, are in grave jeopardy under the assaults of 'those communistically inclined'."

COMMITTEE FOR THE NATION

In 1934, James H. Rand, Jr., president of the Committee for the Nation and chairman of Remington, Rand, Inc., laid before Congress charges which brought old Doctor Wirt of Gary, Indiana, into thousands of times the publicity his school system had rated. It also called attention to the previously slumbrous existence of the once well-known patriotic organization.

It also disclosed the whereabouts of Dr. Edward A. Rumely of La Porte, Indiana, chief propaganda agent and coordinating force of the Committee for the Nation.

This was Dr. Rumely's second front-page appearance. In 1915 he had bought the *New York Daily Mail*, which suddenly became the only metropolitan newspaper to support the Central Powers in the World War. When finally the financial-economic forces brought the United States into that war it was found that agents of the German government had supplied more than one million dollars for the purchase of the newspaper. In 1920, Rumely was tried, convicted of trading with the enemy, sentenced to a year and a day in Atlanta penitentiary. (His colleague, Benito Mussolini, had taken money from the Allied side to run a newspaper, but Benito was not tried and sent to jail because his side won.)

The Committee for the Nation consists of between one and two thousand men, capitalists, stock brokers, merchants, dealers in silver; and numbers among its notables Frank A. Vanderlip, George Le Blanc, trust company official who advised Father Coughlin on silver, and others of that class.

LIONS

According to Hearst's *Journal*, Charles H. Hillegeist, Washington realtor and president of the Lions Club, is carrying on a campaign "against the teaching of communism in capital schools." Lions are

frequently mentioned in supporting militarism in schools and colleges, protesting peace meetings, and participating in campaigns against "subversive elements." They also preserve the Constitution on every occasion. But up to now they have not run wild like their herbivorous colleagues, the Elks.

THE JAMES TRUE ASSOCIATES AND AMERICA FIRST, INCORPORATED

These patriotic organizations are the property of James True. The James True Associates issues a weekly called *Industrial Control Reports*, devoted to red-baiting, anti-Semitism, anti-Administration, anti-labor propaganda and the usual program of the superpatriots.

Here is a sample of what the confidential reports of the James True Associates weekly contain:

"Ever since the world war a large group of intellectual reds have been boring from within to the demoralization of schools, colleges, churches and many other organizations. Now their moral and political perversion, unquestionably a form of insanity, has penetrated the government to an unbelievable extent, and reaches far up on the administration."

The report then attacks the American Civil Liberties Union, the National Labor Board, alien workers in California, and "the reds within and without the government."

President True in his America First, Incorporated, writings claims that membership in the American Civil Liberties Union proves that prominent government officials "are opposed to our democratic system of government." Recently Mr. True denied the authorship of a published report of a plan to massacre Jews in America.

MINUTE MEN AND WOMEN

What is the relationship between "patriotism," the Du Ponts, anti-labor propaganda, upholding the Constitution, and using tear gas against workingmen? There have been numerous instances where several of these subjects were woven together in an anti-libertarian pattern by investigators of the La Follette committee, but it remained for a liberal newspaper to expose one case which shows them all at their best.

On October 7, 1937, the *Philadelphia Record* concluded an in-

vestigation with the exposure of an organization known as "The Minute Men and Women of Today." (It must not be forgotten that the mortality of patriotic titles is high but that the same organizers, backers, and agents of professional patriotism are always at work.) The president of this society was Benjamin Waite Blanchard. Its policy was "To preserve and protect our Constitution and our American institutions." How is the Constitution to be protected? By smashing the rights and liberties of others guaranteed by the first ten amendments.

This is the story the *Record* told:

There was a strike at the Apex Hosiery Mills in Philadelphia. The Committee for Industrial Organization was active. There was a clash between the strikers and a group of civilians who were armed with tear gas guns and who fired bombs at a union organizer legally making a speech.

The union forced the police to investigate. The latter accused the attacker of being a member of the Minute Men and said he was armed by Blanchard and that the organization, while proclaiming the Constitution, was fighting the labor movement.

Detectives searching Blanchard's home found a letter from Pierre S. Du Pont indicating he had contributed money to the Minute Men and urging A. Atwater Kent to do likewise. To the reporter Du Pont said: "I have heard of this man Blanchard but I do not know him. However, his wife has solicited funds for the organization and I have been approached by her. I gave a comparatively small amount — I don't know how much — over a great period of time." He added he did not know the money was to be used for purchase of tear gas guns; "I thought it was to uphold the Constitution."

The *Record* concludes by reporting that Blanchard was arrested when Philadelphia police received a telegram from officials at Contra Costa, California, saying he was wanted there for larceny.

PART THREE

THE PRE-FASCIST PATTERN
IN AMERICA

Chapter 15. A MAN ON HORSEBACK

THE ultimate and complete destruction of civil liberties is in the program of every reactionary and fascistic group and movement. Liberty and Fascism cannot coexist. Wherever Fascist movements have started, therefore, in order to gain necessary mass support, they have had to supply substitutes for civil liberty — ultra-nationalism, superpatriotism, a popular cause, or the overthrow of a great national injustice, such as the Versailles treaty was for Germany.

In almost all countries where Fascism has stirred, there is a previous record of putsches, coups d'état, coups de théâtre, military fiascoes and violent uprisings. The Beer Hall Putsch in Bavaria ten years before Hitler's triumph, General Sanjurjo's reactionary-monarchist uprising in Spain in 1932, four years before he started the Spanish civil war, the various Vienna revolutionary days, and the De la Rocque battle of the Place de la Concorde in February, 1934 are certainly the forerunners of more violent climaxes.

If Fascism ever comes to America a certain plot involving several leading Wall Street bankers and several leading American Legionnaires, ridiculed at the time of its exposure by the majority of the press, will gain historical importance as a parallel to the foreign episodes of the preceding paragraph.

The reader, I hope, has long since graduated from that vast mob of millions which enjoys being fooled by the newspapers all the time, and joined that new army of millions which in 1936, with eighty to ninety per cent of the press publishing hokum and even lies (as for example the number-and-chain national security story), went to the polls, elected Mr. Roosevelt and repudiated to a great extent the dishonest journalism of the time.

The present story concerns the testimony of General Smedley Butler and a Wall Street plan to place him, or a high officer of the Legion, on a white horse, march into Washington, and rule the na-

tion, using President Roosevelt in much the same way that Mussolini uses the King of Italy.

It is significant that the newspapers of America did not publish the entire testimony, that many suppressed it, that the majority laughed at it, and that a congressional investigating committee, examining the witnesses months later, came to the conclusion that every allegation in the sensational charge against Legionnaires and bankers was amply proven.

Evidence was obtained, concludes the report of the Congressional Committee on Un-American Activities * "showing that certain persons had made an attempt to establish a Fascist organization in this country. . . . There is no question but that these attempts were discussed, were planned, and might have been placed in execution when and if the financial backers deemed it expedient."

The evidence before the committee, corroborated and accepted, charged Legionnaires, bankers and brokers — the counterpart of the Hitler-Thyssen-Flick-Schutz-Staffel-outfit — with planning to hire General Butler to overthrow the government. The go-between, it was testified, was Gerald G. MacGuire of the brokerage firm of Grayson M.-P. Murphy & Co., of 52 Broadway. Mr. Murphy was a lieutenant-colonel in the Rainbow Division, American Expeditionary Force in France, and one of the little group of rich officers who initiated and financed the American Legion in 1919. In the 1936 election campaign he was treasurer of the Du Pont-financed Liberty League. He was also a director of the Guaranty Trust Company, Anaconda Copper, Chile Copper, Goodyear Tire, Bethlehem Steel and the New York Transportation Company. With other numerous war medals he wore the ribbon of the Crown of Italy awarded him by the Fascist regime.

The other important broker mentioned in the testimony was Robert Sterling Clark of 11 Wall Street, also one of the original financiers of the American Liberty League.

According to General Butler the number of war veterans necessary to establish a Fascist regime was placed at 500,000; the amount necessary for the march, \$3,000,000, was "on the line," according to MacGuire.

* 74th Congress, 1st session. House of Representatives. Investigation of Nazi and other Propaganda. Printed February 15, 1935, pages 9 and 10.

In the conference on August 22, 1934, in the Bellevue-Stratford Hotel, Philadelphia, MacGuire proposed the attack within a year, General Butler testified, and after the capture of the capital the soldier organization was to take over the functions of government. "To be perfectly fair to Mr. MacGuire," continued the general, "he didn't seem bloodthirsty. He felt that such a show of force in Washington would probably result in a peaceful overturn of the government. He suggested that 'we might even go along with Roosevelt and do with him what Mussolini did with the King of Italy.'

"Mr. MacGuire insisted that all of his program was 'constitutional'," continued the General. "He proposed that the Secretary of State and Vice-President would be made to resign, by force, if necessary, and that President Roosevelt would probably allow MacGuire's group to appoint a Secretary of State. Then, if President Roosevelt was willing 'to go along,' he could remain as President. But if he were not in sympathy with the Fascist movement, he would be forced to resign, whereupon, under the Constitution, the Presidential succession would place the Secretary of State in the White House.

"Then he discussed the need for a 'man on the white horse,' and insisted that a show of armed force was the only way to save the capitalistic system.

"He told me he believed that at least half of the American Legion and Veterans of Foreign Wars would follow me.

"I was amazed at the audacity and bluntness with which the proposition was put to me. I have always believed in democracy, and I felt it my duty to learn all I could of this conspiracy and to see that the information was placed in the hands of the proper governmental authorities."

MacGuire, according to the testimony, then described a trip made to Europe for the purpose of studying the Nazi movement in Germany, Fascism in Italy, and De la Rocque's Fiery Cross in Paris, the part world war veterans played in all, and how these examples could be followed in the United States. He talked of "a man on a white horse," and as alternates for Butler mentioned General Douglas MacArthur, chief of staff of the United States Army, whose term of

office was to expire that November, and Hanford MacNider, former commander-in-chief of the American Legion.

At a previous conference, coincident with the reunion of the Twenty-ninth Division in Newark, MacGuire, according to testimony of General Butler, "came into my hotel room, pulled out a worn wallet, and started to toss thousand-dollar bills on the bed. I asked him what the hell that was for, and he told me it was to pay my expenses to Chicago to make a speech in favor of the gold standard.

" 'You know damn well it doesn't cost \$18,000 to go to Chicago,' I told him.

" 'Don't be a fool, General,' he told me, 'Why don't you do like Harbord and Sims did and make some money out of it? The Government doesn't take care of you, so why don't you act like a business man?'

"I told him to pick up the money before I threw him out. I then suggested that one of the men who were providing all these thousand-dollar bills come and see me, so I would know who was back of it all.

" 'Murphy [Grayson M.-P. Murphy] is in Europe,' he told me, 'but I'll have Colonel Clark come to Newton Square on Sunday.'

"Clark called me on Saturday from New York and reminded me that we had served together in China in the Boxer trouble in 1900. He told me that he would like to come and see me and discuss old times.

"Clark came to my home the following day and offered me money to go to Chicago to make the speech on the gold standard which MacGuire had previously given me. MacGuire told me he wrote the speech, but Clark said that John W. Davis, Democratic Presidential candidate in 1924, had written it. After we discussed the proposition for a few minutes, I told Clark he ought to be ashamed to come into a man's home and try to bribe him."

Robert Sterling Clark, Butler testified, said, "I have got \$30,000,000 and I don't want to lose it. I am willing to spend half of the thirty million to save the other half." But the General was not tempted. He testified that in his presence Clark telephoned Mac-

Guire to go ahead with a \$45,000 fund. The Legion in due time passed a gold standard resolution.

Altogether there were five conferences. At one of them a man named Doyle, a wounded Legionnaire of Boston, was present and a bankbook showing deposits for \$64,000 was said by MacGuire to be his expense money for the trip to the American Legion convention where he was to speak for the gold standard:

“At the same time,” continued General Butler, “he showed me several checks, drawn for large amounts, signed by Robert Sterling Clark, John Mills and Grayson M.-P. Murphy, which he said were to be placed in his account to cover ‘necessary’ expenses at the Chicago convention. . . .

“Several months later, when I asked MacGuire who was backing his movement to set up a dictatorship, he said, ‘The same people that financed the Chicago propaganda.’

“At all times,” said the General, “I refused to accept any money from any of these men. . . .

“The whole affair smacked of treason to me.”

He had thought it treason from the beginning. He had called in Paul Comley French of the *Philadelphia Record* on September 1, 1934, and French, who later also testified before the Congressional Committee, helped him obtain the evidence. General Butler arranged for an interview between French and MacGuire. Mr. French tells what happened:

“On September 13, I met MacGuire in his office, which is part of the suite occupied by Grayson M.-P. Murphy & Co., on the twelfth floor of 52 Broadway.

“At first MacGuire seemed unwilling to talk freely and discussed generalities for a time. Later, however, he warmed up to the subject and told me substantially the same story as that related by the General.

“‘We need a Fascist Government in this country,’ he insisted, ‘to save the nation from the Communists who would tear down all that has been built up in America. The only men who have the patriotism to do it are the soldiers, and Smedley Butler is the ideal leader. He could organize a million men over night.’

"During the conversation he told me he had been in Italy and Germany during the spring and summer of 1934, making a detailed and comprehensive study of Nazi and Fascist organizations, and the part war veterans had played in their success.

"The whole movement is patriotic,' he continued, 'because the Communists will wreck the nation unless the soldiers save it through Fascism.

"All General Butler would have to do to get a million men,' he said, 'would be to announce the formation of the organization and tell them it would cost a dollar a year to join.'

"He suggested that necessary arms and equipment could be obtained from the Remington Arms company on credit through the Du Pont family, which has a controlling interest in that company.

"I am close to the President,' he continued, 'because I served as a naval aide when he was Assistant Secretary of the Navy.'

"I think the President could be persuaded to name General Butler as head of the CCC camps,' MacGuire continued, 'and that would give him the basis of an organization. However, if that doesn't work, I have no doubt the General could enlist 500,000 men in a very short time.

"What we really need is a man on the white horse to save the capitalistic system.'

"He shoved a letter across his desk, saying it was from Louis Johnson of West Virginia, former National Commander of the American Legion. MacGuire said Johnson wrote he would be in 'to discuss what we have talked about.'

"That's just what we're discussing now,' he told me.

"During our conversation he mentioned that Henry Stephens of North Carolina, another former National Commander of the American Legion, was interested in the plan.

"Roosevelt hasn't got the real solution to the unemployment situation,' MacGuire said, 'but we'll put across a plan that will be really effective. All unemployed men would be put in military barracks, under forced labor, as Hitler does, and that would soon solve that problem. Another thing we would do immediately would be to register all persons in the United States, as they do in Europe. That would stop a lot of Communist agitators wandering around loose.'"

Mr. French concluded with the statement that MacGuire hoped to get General Butler's consent "to head a Fascist movement" within a few weeks.

General Butler had hardly concluded his testimony before the Congressional Committee, confirming the French story, when J. P. Morgan and Thomas W. Lamont arrived from Europe. Mr. Morgan was silent. But Mr. Lamont, believing the testimony "too utterly ridiculous for comment," declared it "perfect moonshine"; Colonel Grayson M.-P. Murphy said it was a "fantasy," adding "it is absolutely false so far as it relates to me and my firm, and I don't believe there is a word of truth in it with respect to Mr. MacGuire." The latter thought it was "a publicity stunt," and denied it "completely." From Paris came word that Mr. Clark denied he was either a Fascist or Communist, affirmed he was an American, admitted he had asked General Butler to influence the Legion. The weekly *Time* in which there is a Morgan interest (through Harry P. Davison) spoke of a "plot without plotters." The venerable *New York Times* spoke of "Fascist plot" in quotations, devoted half its front page story to denials, and later referred to "the so-called plot of Wall Street interests" and affirmed that it "failed to emerge in any alarming proportions."

The Congressional Committee, headed by Representatives John W. McCormack and Samuel Dickstein, was apparently thoroughly frightened by the dangerous disclosures. It had started out ostensibly to get the evidence on a few German Nazis in Hoboken. It was to conclude by turning the committee into a forum for fine red-baiting, the wildest rumors and malicious falsehoods. But it certainly had not intended to step on bankers' and brokers' toes, let alone place pistols to their fascist heads. So it ran for cover. "This committee," it announced, "has no evidence that would in the slightest degree warrant calling before it such men as John W. Davis, General Hugh Johnson, General James G. Harbord, Thomas W. Lamont, Admiral William S. Sims or Hanford MacNider." However, the committee heads said they would call Mr. Clark. The committee did not mention the most mentioned name, that of Broker Murphy.

Murphy was never called. Legion Commander Belgrano was never called. None of the men whom General Butler named as the financial backers of the Fascist march on Washington was called by the McCormack-Dickstein committee. The sensation was allowed to die

down. The big business press tried to laugh it to death. Then on the fifteenth of February, 1935, the committee's findings were published confirming the allegations of General Butler and the fact that Wall Street had plotted to establish Fascism. As for the denials made by Gerald C. MacGuire, the Congressional Committee concluded: "MacGuire denied these allegations under oath, but your committee was able to verify all the pertinent statements made by General Butler, with the exception of the direct statement suggesting the creation of the organization. This, however, was corroborated in the correspondence of MacGuire with his principal, Robert Sterling Clark of New York City, while MacGuire was abroad studying the various forms of veterans organizations of Fascist character."

Whereupon, having proven a Fascist conspiracy against the Republic, the committee devoted almost its entire report to denouncing Communism and made no suggestions about combating the Fascism of Wall Street.

The big business press, caught cheating again, either suppressed the story or gave the part of the report dealing with Butler the least possible space. But the General, on the other hand, sprang another important sensation. Using the radio to make his charges, he accused the McCormack-Dickstein committee itself of suppressing the most incriminating parts of his testimony, of failing to disclose the names he had mentioned, of failure to call the important witnesses, of "slaughtering the little and allowing the big to escape." If the committee cared to get at the whole truth, said General Butler, it should call:

Grayson M.-P. Murphy, Wall Street broker.

Louis McHenry Howe, secretary to President Roosevelt.

Alfred E. Smith.

Governor Ely of Massachusetts.

General Douglas MacArthur, Chief of Staff of the United States Army.

Hanford MacNider, former Commander of the American Legion and former Minister to Canada.

Frank N. Belgrano, Commander of the Legion.

William Doyle, former Department Commander of the Legion in Massachusetts.

He repeated Clark's offer — "if necessary, to spend half that \$30,000,000 to save the other half" — adding, "this was no piker

setup. This was no shoe-string khaki shirt Fascist movement. . . . If you are interested in your Government, if you are interested in retaining your democracy, if you are opposed to all un-American activities, don't let this thing drop. Don't let this testimony be suppressed forever. Don't let the big shots of this un-American plot go forever unquestioned. Demand that they publish all the testimony taken."

The big business press did let the thing drop. The patriotic organizations made no attempt to get the un-American activities exposed. The men indicted by General Butler were never questioned. So he went to the radio again some time later and talked about the "Wall Street gang," and gave some of the testimony which the committee had suppressed. Was it because Grayson Murphy was a reputed Morgan man, was it the mention of Wall Street, Morgan, Murphy, the American Liberty League, General MacArthur, or some other person or institution, which caused the committee to suppress the testimony? We do not know. But we do know that the press did not publish it. Fortunately, my friend John L. Spivak, was able to obtain one of the six uncensored copies of the committee report.

THE PUBLISHED REPORT

I said, "Is there anything stirring about it yet?"

"Yes," he says; "you watch; in two or three weeks you will see it come out in the paper. There will be big fellows in it. This is to be the background of it. These are to be the villagers in the opera. The papers will come out with it." He did not give me the name of it, but he said it would all be made public; a society to maintain the Constitution, and so forth. They had a lot of talk this time about maintaining the Constitution. I said, "I do not see that the Constitution is in any danger," and I asked him again, "Why are you doing this thing?"

GENERAL BUTLER'S TESTIMONY

(Suppressed part in italics)

I said, "Is there anything stirring about it?"

"Yes," he says; "you watch; in two or three weeks you will see it come out in the papers. There will be big fellows in it. This is to be the background of it. These are to be the villagers in the opera. The papers will come out with it," *and in about two weeks the American Liberty League appeared, which was just about what he described it to be. That is the reason I tied it up with this other thing about Al Smith and some of these other people, because of the name that appeared in connection with this Liberty League.* He did not give me the name of it, but he said that it would all be made public.

General Butler in his testimony quoted a conversation with MacGuire on the formation of a Fascist army. The committee report suppresses all mention of the American Liberty League in this connection.

Again, the committee suppressed mention of the Liberty League in Mr. French's testimony, as for example (with suppressed parts in italics):

"At first he [MacGuire] suggested that the General organize this outfit himself and ask a dollar a year dues from everybody. We discussed that, and then he came around to the point of getting outside financial funds, and he said that it would not be any trouble to raise a million dollars. *He said that he could go to John W. Davis or Perkins of the National City Bank, and any number of persons and get it.*

"Of course, that may or may not mean anything. That is, his reference to John W. Davis and Perkins of the National City Bank.

"During my conversation with him I did not of course, commit the General to anything. I was just feeling him along. Later we discussed the question of arms and equipment, and he suggested that they could be obtained from the Remington Arms Co., on credit through the Du Ponts. I do not think at that time he mentioned the connections of Du Pont with the American Liberty League, but he skirted all around it. That is, I do not think he mentioned the Liberty League, but he skirted all around the idea that that was the back door, and that this was the front door; one of the Du Ponts is on the board of directors of the American Liberty League and they own a controlling interest in the Remington Arms Co."

Other important parts of the Butler testimony were suppressed; for example, the General's question whether Colonel Murphy was responsible "for making the Legion a strike-breaking outfit" and his own answer,

"You know very well that it is nothing but a strike-breaking outfit used by capital for that purpose and that is the reason they have all those big club-houses and that is the reason I pulled out from it. They have been using these dumb soldiers to break strikes."

The committee was bold enough to publish from Butler's testimony the lines credited to MacGuire that "The Morgan interests say you cannot be trusted, that you are too radical, and so forth, that you are too much on the side of the little fellow," but suppressed the lines immediately following: "They (the Morgan interests) are for Douglas

MacArthur as the head of it. Douglas MacArthur's term expires in November, and if he is not reappointed it is to be presumed that he will be disappointed and sore and they are for getting him to head it," referring, of course, to the March on Washington.

To Butler's (suppressed) protest that the soldiers would not follow the much bemedalled head of the army, he testified that MacGuire said "then we will get Hanford MacNider."

The committee also naturally suppressed Butler's statement that MacGuire's opinion was that MacArthur "is going to go right" if the president reappointed him, and if not, "he is going to go left. . . . You know as well as I do that MacArthur is Stotesbury's son-in-law in Philadelphia — Morgan's representative in Philadelphia. You see just how it goes. . . ."

Not only the suppressed testimony, but that part of it made public and vouched for by a conservative committee, proves that an organized conspiracy to overthrow the American government — a conspiracy financed by Wall Street and involving the American Legion and the American Liberty League — did exist. The committee admitted that every charge which the Tory press tried to laugh out of court was actually proved. For eighteen years the American press had been publishing rumors and forged documents alleging that there was a red plot to overthrow the American form of government, but no evidence had ever been produced which had not been fraudulent. The evidence of a Fascist plot to overthrow the government, however, was substantiated. Yet all the forces of law and order, the Congressional Committee, the press, the courts, failed to continue the investigation, or take the drastic action the alarming testimony demanded.

Grayson M.-P. Murphy was a director of a Morgan bank and his name appeared on the Morgan preferred list. Murphy was one of the men who handed out money to originate the American Legion at a time businessmen feared the returned soldiers would follow their colleagues in Europe in asking for that New Deal which Wilson, Lloyd George and other statesmen had promised them in 1918 and which of necessity meant a redistribution of wealth.

John W. Davis, once candidate for President on the Democratic ticket, now attorney for Morgan, is a director of the Guaranty Trust.

Gerald C. MacGuire, a \$100-a-week employee, was proved by Mr.

Spivak to have deposited about \$140,000 in his bank one day in July 1934, \$150,000 a month later, \$45,000 two days later.

Frank N. Belgrano, then commander-in-chief of the Legion, was the first banker officially to head the organization, although bankers have pretty well led and controlled it since its conception. Belgrano was called to Washington for questioning, but his name was stricken out and the committee refused to explain why. Belgrano, A. P. Giannini, his boss, and William Randolph Hearst, cooperate in California ventures.

Murphy, Davis, Belgrano, the heads of Remington Arms, Du Ponts, and other notable persons and concerns mentioned, were never called before the committee. But the thanks of all except the subversive elements masquerading as patriots are due to General Butler who took his stand on the side of the public as against those special interests of which he himself later wrote, "I spent thirty-three years and four months in active service as a member of our country's most agile military force — the Marine Corps — and during that period I spent most of my time being a high-class muscle man for Big Business, for Wall Street and the bankers. In short, I was a racketeer for capitalism. Like all members of the military profession I never had an original thought until I left the service. My mental faculties remained in suspended animation while I obeyed the orders of the higher-ups. The record of racketeering is long. I helped purify Nicaragua for the international banking house of Brown Bros. in 1909-12. I brought light to the Dominican Republic for American sugar interests in 1916. In China in 1927 I helped to see to it that Standard Oil went its way unmolested."

Chapter 16. THE FASCIST PATTERN: MEN

We don't want to fight,
But, by jingo, if we do,
We've got the men,
We've got the guns,
We've got the money, too.

THE Fascist plot which General Butler exposed did not get very far, because he recognized treason when he saw it. But that plot had in it the three elements which make successful wars and revolutions: men, guns and money. The next plot will require the same three elements.

It is therefore my purpose in this and the next two chapters to discuss the Fascist — or perhaps better still, the Pre-Fascist — pattern in America, from this triple viewpoint.

I will not devote much space to the spectrum of Shirts, the Brown, Black, Blue, White, Gray, Khaki, the dirty shirts and the bloodstained shirts, frequently visible in America. None of these Fascist organizations has obtained a membership of millions, as the Ku Klux Klan did a decade ago. That they are dangerous everyone admits. The Klan was able to use terrorism because of its great strength in certain sections, but it was an unarmed association, whereas Fascist organizations are always a minority but sufficiently armed to enforce their will upon an unarmed majority. Nor have the terroristic Shirt organizations in America received the big financial support of the ruling powers, a *sine qua non* of Fascist dictatorship.

The noted Italian historian Ferrero, writing objectively in a time of freedom (i.e., before 1925), summarized the reasons for the success of Fascism in Italy. Of his twelve points several apply specifically to the Italian scene; others are universal, as the upheaval in Germany has illustrated.

First of all, he mentions the outraged feelings of the "patriots" when the masses brutally showed their hatred for war, indiscriminately cursing the defenders of the country and the war profiteers.

The second point is more important: "the terror with which the rich perceived the threat to their property." This is the universal fulcrum of the Fascist lever. But the propertied class, powerful as it is politically, is not numerically superior, and Fascism, like all national movements, must have popular support. This support in Italy, as later in Germany, came from the vast middle class which Ferrero said was impoverished by the depreciation of money and which hated the workers and peasants who, it claimed, had become enriched during the war.

"Loss of faith in the old leaders," Ferrero's eighth point, can also be applied internationally. In Italy there was of course also a hunger for conquest, "the fear of the epileptic seizures of universal suffrage," "bourgeois pride offended by the insolence of the lower class revolt," "the rehabilitation of all the German doctrines and ambitions which had been most universally denounced during the war," the stirring of the principle of authority, and finally the new war-wealthy class "rendered ferocious" by fear of losing its profits.

The United States, unlike Italy, Germany and Japan, is not suffering from nationalistic claustrophobia; our imperialistic adventures in a few islands and in Central and South America have not been successful enough to encourage further penetration, and neither the international bankers nor international manufacturers seem to be driving the government forward, as they so obviously do in imperialistic countries, toward conquest by peaceful penetration, armed intimidation, and finally by war. That Fascism means war is soon to be recognized as an axiom. Fascism is a method of preparing a nation for imperialistic adventures which have in the past and will in the future include wholesale slaughter as one of its means.

Fascism, as Italy and Germany have illustrated, can arise only in time of national distress when the masses demand leadership and better times. In these circumstances usually two opposite ideologies arise. In Germany and Italy, the exponents of the Marxian principles were divided into many groups, their preachments were largely philosophical, and the masses were tired of Marxian dialectics. On the other hand, the "philosophy" of the authoritarian state, whatever it may be, was not handed down to the masses in the words of Pareto, but became the purest demagoguery of superpatriotism.

The three important requirements for Fascist success have been,

and will be in America: (a) financial subsidization of the movement by the moneyed classes; (b) affiliation with, or creation of, an armed force to impose the dictatorship upon the indifferent masses and the intelligent opponents; and (c) the right demagogue.

Fascism is the imposed dictatorship of the ruling class utilizing armed force to preserve the social-economic system wherever it is collapsing. The destruction of democracy — “that bourgeois illusion” — the suppression of all civil liberties, the destruction of the trade unions and the intellectuals, the glorification of the State — these are the natural results of the coming into power of a regime whose one purpose is the salvation of the profit system and whose hired leaders are superpatriots, demagogues, militarists, political racketeers, and fanatics. Fascism has no place for the intelligent. It claims a planned economy; what it succeeds in enforcing is planned thinking — and that on the lowest plane. *Gleichschaltung* in Germany and Totalitarianism in Italy and their equivalents in other Fascist states demand the mental as well as the social destruction of the individual.

For Americans there arises the question: are our superpatriots, our *duces* and *fuehrers* of the financial-industrial empire which has grown within the walls of the Jeffersonian democracy, ready to break all safeguards of our old liberties in order to preserve their private interests? Are they ready for the militarism, the bloodshed, and the warfare which are inherent in Fascism?

They themselves say No. Super-industrialists like Hearst, the Du Ponts, Sloan, Gifford, Swope, Schwab, Raskob, Grace, will probably tell you that they are as opposed to Fascism as to Communism. Moreover, a vote of popular opinion taken by the reliable Gallup service brings out the astonishing fact that the majority of the American people, i.e., the Republican and Democratic Party voters, wholeheartedly believe that they are liberals, not conservatives.

There are, however, men and organizations which frankly endorse Fascism, as well as perhaps even more fascistic men and organizations who openly denounce the movement, who perhaps sincerely believe they are fighting it, but who are really the forerunners and potential leaders of Fascism in America.

In 1923, Commander-in-Chief Alvin Owsley of the American Legion not only endorsed Mussolini and Fascism, but announced his

readiness to do what the *Duce* did, that is, upset the democratic form of government, establish a reign of terror, maintain a dictatorship where the masses of people are deprived of all civil rights.

"If ever needed," he said, "the American Legion stands ready to protect our country's institutions and ideals as the Fascisti dealt with the destructionists who menaced Italy."

Asked whether that meant taking over the government, he replied:

"Exactly that. The American Legion is fighting every element that threatens our democratic government — soviets, anarchists, I.W.W., revolutionary socialists and every other 'red.' . . . Do not forget that the Fascisti are to Italy what the American Legion is to the United States." *

This last statement has been borne out hundreds of times when American labor has sought to exercise its constitutional rights.

("I've never known one leader of the American Legion who has never sold them out — and I mean it," says General Butler.†)

Succeeding commanders of the Legion have never so openly declared for Fascism, but several have been as reactionary, and the majority have invited Mussolini to attend their annual conventions.

William Randolph Hearst, in his official editorials, has at times linked Fascism with Communism and other Isms which he opposes, but beyond such a statement he has never attacked Fascism. In fact he has spent thousands of dollars buying the views and opinions of Mussolini. He is considered the leading Fascist in America, and the most powerful. He has actually endorsed both Mussolini and Hitler. On arriving from Germany, September 28, 1934, after he made the \$400,000 news agency sale to Hitler, he said:

"The fascist party of Italy was organized to quell the disturbances and disorders of communism. The fascist party of Germany was organized for the same purpose. It was intended to and very likely did prevent Germany from going communist and cooperating with Soviet Russia. This is the great policy, the great achievement which makes the Hitler regime popular with the German people, and which enables it to survive very obvious and very serious mistakes."

The House of Morgan has helped Fascism by the national loan of \$100,000,000 and many other loans, made at a time (1925) econ-

* Interview copyright by the N.E.A. January, 1923.

† *N. Y. Times*, Dec. 9, 1933.

omists were already pointing out the fraud in the officially declared "balanced" Italian budget. The fraud, invented by Mussolini and American propaganda agents four years after Mussolini himself had written that there had been no communism in Italy when he took power, was apparently accepted, hook, line and red herring, by Thomas W. Lamont. In 1927, when the Italian bonds floated by Mr. Lamont's banking house were waterlogged and sinking, he wrote the following:

"Ask any traveller. . . . When the present regime came into power towards the end of 1922, Italy seemed to be tottering on the brink below which lay communism and bolshevism. . . . municipal administration as well was burdened with incompetence and extravagance. The finances of the central government were unsound; government debt was piling up and the deficits in the government's budget were increasing. . . .

"Considerable currency has been given to stories that the Italian government has distorted its account of revenues and expenditures and by some method of transferring charges to municipal accounts has manufactured the surpluses which it has reported. These stories may be denied absolutely. . . . That the government's budget is in fact balanced and has been for the past two and half years, there is not the slightest doubt." *

Colonel James H. Logan of Dillon, Read & Co., international bankers, was not to be outdone by the Morgan House. He informed

* *Survey*, March 1, 1927.

Mr. Lamont's firm, J. P. Morgan & Co. floated the Italian loan of \$100,000,000 in 1925. The same house loaned the city of Rome \$30,000,000.

(Professor Salvemini in *Foreign Affairs*, April, 1935, has proved from official Fascist statistics that the officially announced balanced budgets were fraudulent and that no less than \$75,000,000,000 lire in debt has been hidden from the public. "Since 1925 the Italian budget has never been balanced.")

(Official Fascist statistics of the municipal accounts of which Mr. Lamont speaks are:

Provinces:

Debts January 1, 1925,	954,000,000 lire
Debts January 1, 1928,	1,326,000,000 lire

Capital Cities:

Debts January 1, 1925,	3,066,000,000 lire
Debts January 1, 1928,	5,481,000,000 lire

Increase in debts,	2,415,000,000 lire)
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Paris newspapermen he was impressed with the economic and financial development in Italy, which should be credited to "Italy's great son and leader Mussolini . . . everyone . . . must surely receive the same impression." Dillon, Read & Co. loaned the City of Milan \$30,000,000, every cent of which was wasted or stolen by Mussolini's local *duce*, Belloni.

Otto H. Kahn (peace be to his memory) was even more frank. "I admire Mussolini. . . . In the case of every people, more essential even than liberty, and therefore taking precedence to it, is order and national self-preservation. . . . In the case of Italy, in the years immediately following the war, a situation developed which came close to social chaos. Government was impotent, held in contempt and openly defied.

"To anyone who knew Italy then, the change which came over the country with the advent of Mussolini is little short of miraculous."

Among the great American industrialists (and employers of secret spies, illegal police, and gangsters or pre-Fascist militia in American labor disputes) the first to announce for Mussolini was none other than the then head of the United States Steel Corporation. Overcome with the beauties of peaceful Italy where strikes are outlawed, where labor knows its place (which is as near serfdom as anything we know of in this century), and where the standard of living of the people reached the lowest point in modern history, Judge Gary declared: "I feel like turning to my American friends and asking them whether they don't think we too need a man like Mussolini."

One of his American friends, a senator from Pennsylvania, a state whose senators for decades had been known as the errand boys of the steel corporation, echoed the words. "What this country needs is a Mussolini," said Senator David A. Reed to his colleagues on one occasion; and on another, "Signor Mussolini has given Italy a particularly strong and stable government; he has restored order where once chaos ruled; he has increased productive capacity of Italy and conferred happiness upon all classes, high and low, the rich and the poor." * Senator Reed was not re-elected.

Almost all dictators have cultural pretensions. Mussolini has called for Fascist art, and Hitler has decreed that culture must go Aryan. It is not at all unlikely that an American dictator will feel the

* P. Y. Anderson, *The Nation*, May 10, 1933.

necessity of showing the world that there are writers and painters and some men of intelligence among the terrorists, assassins, business men, bankers, opportunists and others who will be called upon someday to establish Fascism here. Let the would-be dictator have no fears. There are already men on the highest pinnacle of intelligence (judging from magazine price per word) who have endorsed Mussolini or Fascism and will come forth to prove that culture is on its side.

In the course of years I have culled the following nosegay from the beautiful pro-Fascist gardens: Isaac L. Marcossan, who approved Mussolini's turning "red terror into white fear"; Irvin S. Cobb, who bowed low and linked Mussolini with great Theodore Roosevelt; Kenneth L. Roberts, who wrote that "Mussolini's dictatorship is a good dictatorship"; S. S. McClure, who thought the Italians "feel they are the only free people in the world"; Ex-Governor Curley of Massachusetts, who declared, drinking a toast, that the Duce "in saving Italy made possible the preservation of Christian civilization"; George J. Ryan, ex-president of the New York Board of Education, who regretted that "many things that are beneficial in Italy" could not be adopted in New York; Thomas J. Watson, president of the International Business Machine Corporation, who told the American Society of Italian Orders (he himself wears a Fascist decoration) that Mussolini has "improved conditions of the masses."

There is also Charles E. Sorensen, general manager of the Ford Motor company who, returning on a German ship, told the reporters that Germany was "in marvelous shape and looks prosperous everywhere" (at a time when the objective journalists were writing about increased misery). And there is Charles M. Schwab, who was described as "full of praise for conditions in Germany under the Hitler regime."

And, of course, there is Al Capone, who is for Fascism.

The list of individual names is very long. I have given only a few samples of various kinds. What they do show is that the same classes which support Nazism in Germany, Fascism in Italy, and Franco in Spain are represented by the men who endorse these movements in America. Certain commercial writers, the big money bags, big business, the heavy industrialists, the employers, the landowners, the wearers of foreign decorations, here and there a smart crook, now

and again a clever opportunist, are joined in favor of systems or ideologies which are the very antithesis of that created by the founders of the American republic.

It is significant that very few of the important powerful men who have declared for Fascism have been willing to let themselves be quoted as favoring that system for the United States. It is not probable that they will ever do so. The astute politician and potential Fascist ruler, Huey Long, settled that question when he said that "Fascism in America will arrive on an anti-Fascist platform."

The men I have quoted are very few. But they represent a considerable Fascist mentality. The real enemies of the nation's democratic institutions today are the Fascist-minded men with the "ability and willingness to turn the concentrated wealth of America against the welfare of America." Secretary of the Interior Harold L. Ickes made this statement at the annual dinner of the American Civil Liberties Union on December 8, 1937; it was without a doubt the frankest statement on Fascism ever made by a member of the American government.

"Our ancestors," continued Mr. Ickes, "fought to prevent a state censorship of news and ideas. Our ancestors did not fight for the right of a few lords of the press to have almost exclusive control of and censorship over the dissemination of news and ideas. Yet under the stress of economic forces our press and news agencies are coming more and more under the domination of a handful of corporate publishers who may print such news as they wish to print and omit such news as they do not wish to print. They may even color the news. . . .

"A sad part of the long record that has been written on the infringement of our civil liberties has to do with the Supreme Court of the United States. It is commonly believed that this court has been far more liberal than legislative bodies in protecting civil liberties. Unfortunately the facts do not bear out this general belief. On the contrary the Court has gone far to convert the Bill of Rights, which was intended as a charter of human freedom, into a charter of corporate privilege. . . .

"Let no one sleepily believe that our democratic form of government is necessarily secure for all time to come. We have seen dictatorships in other lands reach out and destroy constitutional democracies, states combine not for protection but for aggression. We have

discovered that Fascism has not been quarantined, but that it is capable of leaping wide oceans. . . .”

Mr. Ickes concluded that wealthy and influential men with Fascist leanings were using the red scare as “a wooden horse within the bowels of which Fascism may enter the shrine of liberty.”

Unfortunately, these men are both plentiful and powerful.

Chapter 17. THE FASCIST PATTERN: GUNS

IF WE ever lose our liberties to a Fascist movement, led by the imposters of patriotism, it will be because in addition to men they also have guns. The Fascist pattern everywhere calls for either a conspiracy within the regular army, or the assured neutrality of the army, or the march of a private force recruited from veterans of the World War.

When Mussolini "marched" on Rome, General Badoglio told the King to give him a machine gun and a half regiment of regulars and he would send the brave boys, most of whom were armed with sticks, scurrying back to their home towns. But there were generals in command who were opposed to opposing the Fascisti, and the King was afraid to shed blood. So the Fascists were allowed to "conquer" Rome. (The bloodshed took place later, by Mussolini's orders.) And something of a similar nature took place before Hitler was able to dictate to Germany. In Spain, in 1936, the Fascist-Royalist-Catholic insurrection was entirely an army affair.

So, in the United States, where there is no considerable army, the Fascisti will have to look not only to the army and the navy, but also to forces outside those: the national guards; private forces such as the late Coal and Iron Police of Pennsylvania; the American Legion; a new force, a sort of militarized Ku Klux Klan or Black Legion, still uncreated.

What about the regular forces?

The official documentary evidence, which was until recently available to any citizen, raises serious doubts and causes the most disturbing conclusions. It poses the following questions:

1. Would the War Department in certain circumstances be prepared to join a reactionary or Fascist movement?
2. Does it expect to enlist the American Legion in fighting American workingmen?
3. Is it the department's policy that federal troops, national

guardsmen, etc., in dealing with strikes or what is known as "domestic disturbances," shall not warn "mobs" by firing blank shots, but use bullet and bayonet?

4. Does the War Department ignore the constitutional right of habeas corpus?

5. Does it encourage its officers to act ruthlessly, in the faith that killing by mistake will go unpunished?

6. Does this department of the national government place property above human life?

7. And finally, does the War Department recognize that there is a class war going on in the United States, and does it take its stand on the side of wealth, big business, and the rich as against labor and the poor?

These questions are not wild imaginings but the natural outcome of a study of General Douglas MacArthur's official pamphlet entitled *Military Aid to Civil Authorities*, issued August 1, 1935, signed by the chief of staff, and bearing the imprimatur of E. T. Conley, Brigadier General, Acting.

Until recently, when I publicly accused the War Department of issuing orders to shoot to kill in labor troubles, the Superintendent of Documents, Washington, D. C., had furnished the documentary evidence of my charges in the "Basic Field Manual, Vol. VII, Part Three, Domestic Disturbances," price ten cents, in coin, sent in by any citizen.

"Domestic disturbances" is the magnificent euphemism the War Department uses in its official instructions to the forces of law and order on the use of violence against labor in America. It is quite true that General MacArthur illustrates domestic disturbances with five typical examples, the first of which is "a riot in a penal institution," the second "a mob determined upon lynching a prisoner," but he gets down eventually to the main subject, giving examples of strikes, labor disturbances, and even picketing. Thus, on page 63 of the manual, he quotes from a report made to him "covering the use of chemical agents in a strike during 1933":

In conclusion, wish to state that all efforts should be made when the use of gas is contemplated to supply plenty of it. It certainly has a far greater effect on civil disturbance mobs than

physical force, display of weapons, or show of force. A man, in the position of the pickets and strikers we encountered. . . .

The most important fact about this manual of instructions to federal officers is that it is also the guidebook for the national guards and militias in every state in the Union, and the handbook of the private militias of the coal and iron companies and other armed business forces throughout the country. Careful reading of this manual is a complete enlightenment on all the acts of violence and terrorism committed in the past four years by the forces of law and order (so-called) in San Francisco, in Toledo, in Ambridge, in Bridgeton, New Jersey, in Chicago, in Monroe, in Massillon, in Rhode Island, in the South, everywhere in the United States when the militia, the National Guard, the Vigilantes, the American Legion, have gone into armed action against labor.

And ironically enough, it is also the explanation of the last important use of the federal troops against "domestic disturbances." When they attacked the veterans of the World War at Anacostia they used exactly the same methods which they now ask the American Legion to help them use against "domestic disturbances" of pickets and strikers.

The "shoot to kill" order is given on page 18 of the manual: "Blank cartridges should never be used against a mob, nor should a volley be fired over the heads of the mob even if there is little danger of hurting persons in rear. Such things will be regarded as an admission of weakness, or as an attempt to bluff, and may do much more harm than good."

It is this official United States Government War Department order which explains the actions of the National Guard. Thus the echo of it is heard in the testimony of Brigadier General Seth E. Howard of the National Guard of California before the House Committee on the War Department bill hearing. General Howard did not include riots in penal institutions and lynchings in his defense of violence; he was honest enough to admit that this was his policy in dealing with labor. The General testified, "Troops to be effective must be armed with rifles because a pistol is no arm to place in the hands of troops with these groups of disturbers that we are confronted with in the country today. Neither are clubs. It must be with a rifle and a bayonet, cold steel. . . . I want to advise you that today I have my

troops under arms, in violation possibly of the regulations of the National Guard Bureau."

In addition to the rifle and bayonet, cold steel, General MacArthur takes advantage of all the inventions and discoveries which a beneficent science has given to mankind. On pages 13 and 14 of his little book he lists:

"Aviation. Airplanes may be used for the purpose of keeping rioters off roofs by means of machine gun fire and, in conjunction with other arms, by dropping tear-gas and high-explosive bombs.

"Armored cars. Armored motor cars will be especially valuable in riot duty.

"Artillery. The manner of using coast artillery in riot duty would depend upon the equipment, any special training and availability of a particular organization.

"Cavalry. Because of its mobility and the undoubted moral effect of an armed man on horseback, cavalry will always be a valuable and effective adjunct to any command employed in riot duty.

"Hand Grenades. Hand grenades, especially those filled with chemicals, will be quite an essential part of the equipment. *Experience* in the use of tear gas in hand grenades by the *National Guard and civil police* [the italics are not mine but those of the Chief of Staff] has demonstrated its practicability and efficacy in handling mobs without loss of life.

"Infantry. Infantry should and will invariably constitute the major part of any command employed in suppressing a domestic disturbance.

"Machine guns. Machine guns will be required in about the proportion now issued to an infantry regiment.

"Tanks. There will be many cases where tanks can be used to good advantage. Certainly the moral as well as the physical effect of a tank bearing down upon a mob will do much toward breaking up the mob. Tanks have been used effectively in street fighting.

"Three-inch mortars. Trench mortars are especially adapted for use in city fighting.

"37-mm. guns. Occasions may arise when the 37-mm. gun

will be of value, but ordinarily it will be found that the 3-inch mortars will answer the purpose.

“Miscellaneous supplies and equipment. Shotguns, using charges of buckshot, should be issued to a section of the command. For operations in a city an extra supply of axes, picks, sledge hammers, crowbars, and rope will be of value.”

And this is exactly the wording of the War Department's manual on how to enlist the American Legion against labor:

Page 25. Section 61. Duties of the military commander: “In his efforts to understand the situation, the commander must set out at once to gather information which should normally include the following. . . .

“(b) Much of this information may be secured from the police department, supplemented by private detective agencies, railroad detectives. . . .

“(3) The location of the headquarters of the American Legion and other local organizations representing law and order [sic]. The meeting places, strength attitude, etc., of the members of these organizations should be ascertained, and a conference with their commanders or leaders should be arranged. . . .

“(6) The attitude of the public press must be learned and conferences arranged with newspaper men. . . .”

These are suggestions. The results were visible in Ambridge, Pennsylvania, where the attacking forces of law and order, which killed one striker and wounded others, were composed largely of Legionnaires rounded up to assist the state troopers, and in San Francisco, where the military authorities fighting labor obtained the support of the publishers in falsification or suppression of the news.

We already know that the press is unfair to labor. Now we discover that the guidebook of the armed forces of government, the militia, the state guards, and the viligante or Legion groups actually advises officers to cooperate with the newspapers everywhere when repressive actions begin.

Necessity knows no law. And on page 6 of the War Department manual this ancient motto is recommended to the forces of the law. In cases of emergency, the book advises, “so imminent as to render it dangerous to await instructions requested through the speediest

means of communications, an officer of the army may take such action, under the law of necessity or self-defense, before the receipt of instructions as the circumstances of the case may justify, and will promptly report his action, and the circumstances requiring it, to the Adjutant General, by telegraph, if possible, for the information of the President."

The War Department manual therefore creates the following situation: the officers may take action without instructions and they must shoot to kill without first firing a warning round. In these circumstances naturally there will occur considerable bloodshed and murder; many instances will be "legal" from the War Department point of view, but other instances the department may consider "accidental." It therefore provides:

Page 11. Par. 19: "Palpable illegality of the order. Ordinarily a military subordinate incurs no liability for an act done in good faith in obedience to orders from superior authority, but the order is no defense if its illegality is so palpable as to be immediately apparent to a person of average intelligence.

"20. Excessive or malicious violence. Troops have a right to use such force as is necessary to carry out orders and to accomplish their military mission, and individual officers and men are not liable for honest errors of judgment in determining how much force is necessary in a given emergency, but unnecessary violence applied with malice or recklessness may subject the responsible individual to liability, civil or criminal or both."

If ever there were an invitation to violence issued by a government department, it is the foregoing. You may attack a peaceful demonstration, you may fire into peaceful strikers, you may shoot and kill peaceful pickets, and if you are an officer charged with murder all you have to prove is that it was "an honest error of judgment," and all will be forgiven.

A federal officer can also beat the constitutional right of habeas corpus. Full instructions are to be found on page 8. And the following page contains the cheerful information that "a proclamation is not legally necessary for the exercise of martial rule." In fact, no method or means of circumventing the Constitution of the United States is omitted in this brilliant little guidebook for the constitutional forces.

Lack of space forbids comment on these two questions, but one

more revelation by the War Department's manual must be mentioned. Page 22:

“b. Troops will be disposed with the object of . . .

“(2) Driving the mob into or through the districts of the city where looting is the least profitable and where destruction of property incident to military operations will be reduced to a minimum and preferably fall on the rioters or the class of people composing the rioters; . . .”

But, the reader may argue, there are no classes in the United States! The interests of employers and employees are identical! All men are free and equal! The objectives of capital and labor are the same! There never has been and never will be a class struggle — at least, not in America.

Well, the reader may argue as much as he pleases, the War Department knows different. There is class warfare in the United States, and the War Department knows on which side it stands. In fact, the War Department in the foregoing statement proves to us all that it, at least, is class conscious. When labor fights for its rights, when there is a demonstration or a strike, when armed force is used to quell unarmed men, the forces of law and order will see to it that the property damage involved in their use of violence is confined to the quarters of the working class.

The War Department is not only class conscious, but it has already decided that it will shoot to kill without warning in the interests of the employer class. (This is Fascism.)

Moreover, for many years, the War Department actually issued propaganda against American Democracy. This may sound like one of those believe-it-or-not statements, but here it is, right out of Army Training Manual No. 2000-25, from which all soldiers were taught between the years 1928 and 1932, until, as usual, some liberal or radical discovered the subversiveness of the constituted authorities and raised such a scandal that the wording was dropped — although the spirit may have remained. Said the manual:

Democracy: A government of the masses. Authority derived through mass meeting or any other form of direct expression. Results in mobocracy. Attitude toward property is communistic — negating property rights. Attitude toward law is that the will

of the majority shall regulate, whether it be based upon deliberation or governed by passion, prejudice, and impulse, without restraint or regard for consequences. Results in demagogism, license, agitation, discontent, anarchy.

"If," commented Representative Marcantonio, "there was ever anything more subversive than this definition of democracy ever issued in any publication, I would like to know it. [Note to Representative Marcantonio: read Mussolini's speech on passing over the more or less decayed body of the Goddess of Liberty: it contains the same attack on democracy which our War Department echoes.] There is very little difference between this definition and that given to democracy by the Nazis. In announcing the withdrawal of this manual, the Secretary of War admitted its viciousness. . . .*

Representative George J. Schneider (Progressive, Wisconsin) confirms the growing fear of the army as a Fascist instrument. "The army," he says, "is regarded by many as an intensely patriotic organization, greatly devoted to the preservation of our present form of government. The fact that some of those in high command in the army are more sympathetic with the dictatorial or Fascist type of government is illustrated by the definition of Democracy which appeared in the army training manual."

My exposure of the "shoot-to-kill" manual was taken up by the liberal press, the *New York Post*, *World-Telegram*, the *Nation*, the *New Republic*. At first the War Department tried explanations. The *Post* for December 24, 1935, published a long dispatch from its Washington correspondent of which some extracts follow:

"There have been no changes in the United States Army's general order covering domestic disturbances, General Malin Craig, new chief of staff, said today in commenting on an article, 'Shoot to Kill' by George Seldes. . . . While some of the instructions . . . may seem over-drastring, Craig said, it must be remembered that the regular army is called on to suppress a riot only when police and national guardsmen have been unable to control it. . . . Craig . . . denied that the army is a strike-breaking organization. . . . When the army is called out, however, it still continues to act under the MacArthur instructions. Craig, although he has spent most of his life in

* The *Woman Today*, May, 1936.

the reactionary army atmosphere, is reputed to be considerably more liberal than MacArthur or than most of his colleagues. He nevertheless made it plain that he has no intention of remanding MacArthur's instructions. . . ."

The *New Republic's* comment was that "Fascism may seem a vague and foreign-sounding word to great numbers of American citizens, but some highly concrete evidence of what it means may be found in the official regulations of the United States War Department. . . . In many ways the most sinister foreshadowing of American Fascism comes in that part of the regulations instructing a commander in a disturbed area to seek out the 'location of the headquarters of the American Legion. . . .'"

Early in the new year, however, Malin Craig seems to have listened to indignant liberal opinion because citizens who wrote for the manual began receiving form letters indicating something had happened to its circulation. Mr. Benjamin W. Burger sends me two such forms, the first saying "our supply is exhausted," and the second, which returns twenty cents, bears an additional typewritten note saying, "B.F.M., Vol. VII, Pt. 3, has been withdrawn from publication and use by order of the War Dept." This was confirmed by a letter from Major General Connor which follows:

CONFIDENTIAL

Headquarters First Corps Area

Office of the Corps Area

Commander

Subject: Return of Basic Field Manual, Volume 7, Part 3

To: Commanding officers of all R.A. stations, chiefs of staff, reserve divisions, PMM.S. & T's, senior instructors of National Guard Units.

1. The War Department has advised this headquarters that the above publication is withdrawn from circulation and use. Therefore, it is directed that all copies in the hands of individuals and on file in offices be secured and returned to this headquarters.

2. In the event that no copies of the above publication are on

hand, this communication will be returned with a statement to that effect.

By command of Major General Connor:

Harvey W. Miller,
Colonel, A. G. D.,
Adjutant General.

Basic Field Manual
Vol. VII, Military Law
Part III, Domestic Disturbances,
Confidential.

In labor circles, chief protestants, the withdrawal is regarded as a gesture, nothing else, and the War Department statement that Federal troops are rarely used is answered with another official statement from the same department proving they have been used on about one hundred occasions and almost always against strikers and other workingmen. The Federal Government officially has withdrawn the booklet, it is true, but the state governments have not withdrawn it, and it remains the guide for National Guardsmen, American Legion outfits, and vigilante groups. One of the uses to which the manual has recently been put is well illustrated in the following extracts from the four-page bulletin* issued to a Seattle vigilante committee during the waterfront strike in the winter of 1936. It will be noted that whereas the order to shoot to kill given to federal troops comes from the highest authority, the incitement to mass murder in this instance comes from a private source, as it often did in Italy before 1922 and in Germany before 1933. Says the vigilante document:

Temper your severity to suit the occasion and if forced to fight don't forget that nothing so swiftly sickens a mob of its course than brutal, stomach-wrenching, soul-sickening brutality swiftly, fearlessly and judiciously applied. . . .

It would be well to provide canned foods and arms for your family, and to arrange for them to stay in company with the families of other members of your unit. Plan with your wife or parents for a place of meeting in case your home is destroyed or impossible to reach. . . .

* Quoted from the pamphlet, *The Vigilantes*, by Isabel Walker Soule

TREATMENT OF CROWDS: A crowd is a potential mob. The best time to stop a fight is before it starts. Don't temporize, don't harangue, don't 'reason with them,' don't bluster, don't argue, don't 'answer back,' don't let your men be surrounded nor left without an avenue of withdrawal, don't bite off more than you can chew, don't plunge into the heart of a crowd for individual arrests unless your force is strong and the crowd is 'covered' by your riflemen from a superior altitude.

Remember that the agitators do more shoving from the rear than leading from the front; never neglect an opportunity to improve the potential effect of your fire by posting men on roof tops and second story windows, but don't weaken your force too much by division of your strength.

Don't forget that women are aligned with the enemy, they are apt to be in the front rank of a mob and are prone to be the most hysterical and the most abusive. Ignore them unless they imperil your men or your mission and then treat them exactly as though they were men. . . .

WHEN YOU MAY FIRE: Remember that our sole object is to prevent revolutionary tactics, bloodshed and property damage, by lawful and American means [!] You must be loath to loose your piece [gun], but must not hesitate to use it if necessity demands. If time permits and wisdom dictates it, challenge the offending party before you fire upon him.

GENERAL NOTES: A cornered rat is hard to whip; leave your crowd an avenue of escape and the weaker souls will take it, thus launching a wholesale rout which you can follow to advantage. Mount your machine guns low, in ground floor windows or entrance ways, behind cover. . . .

Of the armed forces which Fascism plans to use in America the Legion is the only one which is strictly voluntary. The regulars and the guardsmen, once enlisted, have to obey superior officers whose interests are those of the employers, but the Legion has to be perverted for this same enterprise. It is perhaps America's greatest misfortune that the poor devils, who were once betrayed into the belief that they were giving their lives or limbs for the noblest ideal in the world, are now being misled every day by the representatives of money, greed, big business, so that they betray their comrades

and themselves. Nothing truer was ever said than General Butler's declaration that all the leaders he has known have sold out the Legion. The rank and file are sold out just as they were in the World War, just as people frequently are by their leaders. The un-American, the subversive, the dangerous forces are not those whom Hearst and the bankers urge the Legion to fight, but the secret controllers of the Legion. Amplifying his testimony before the Committee on un-American Activities, General Butler said over the radio:

"Don't you think it would be hard to buy the American Legion for un-American activities. You know, the average veteran thinks the Legion is a patriotic organization, to perpetuate the memories of the last war, an organization to promote peace, to take care of the wounded and to keep green the graves of those who gave their lives.

"But is the American Legion that? No, sir, not while it is controlled by the bankers. For years the bankers, by buying big club houses for various posts, by financing its beginning, and otherwise, have tried to make a strike-breaking organization of the Legion. The groups — the so-called Royal Family of the Legion — which have picked its officers for years aren't interested in patriotism, in peace, in wounded veterans, in those who gave their lives. No, they are interested only in using the veterans, through their officers.

"Why even now, the Commander of the American Legion is a banker — a banker who must have known what MacGuire's money was going to be used for. His name was mentioned in the testimony. Why didn't they call Belgrano and ask him why he contributed?"

In addition to the regulars, guardsmen, and Legion, there has been an effort made to create Fascist troops out of the proletarian down-and-outers who are saved from gangsterism and the city streets by the C.C.C. camps. In December, 1934, Director Robert Fechner ruled that there should be no gun practice or military training of the half million men in the civilian camps, but the Assistant Secretary of War, Woodring, had actually suggested that the Hitler methods be tried. "If the army were so directed," he said in a speech which aroused tremendous popular opposition, "it could organize the veterans of the World War, the C.C.C. men, and through them the administration of emergency relief, into a system of economic storm troops. . . ."

Chapter 18. THE FASCIST PATTERN: MONEY

"I SEE in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. . . .

"Corporations have been enthroned, an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until the wealth is aggregated in a few hands, and the Republic is destroyed."

Abraham Lincoln wrote these prophetic words at a time the industrial-financial system of the United States was in its early youth, when it was conquering the West, following the gold rush, when industrial capital was about to make its great march across the continent — but at a time the crisis of 1857 gave the first warning that all might not go well forever with the economic system which had been established.

The industrial revolution, the industrial age, the economic system as we know it today, came into being almost coincidentally with the libertarian movement which produced uprisings in many countries, upset tyrants, established republics and democracies of a sort. The coincidence persists today. The Bill of Rights of the first hours of the American Republic echoed throughout Europe, and although our democracy was strongly entrenched in the 1830's, Europe went through two decades of fighting before it calmed down and devoted itself to manufacturing, world trade, exploration, exploitation, empire building, and great money-making. Strange indeed that Lincoln should have foreseen the great crisis of the 1930's.

As wealth became concentrated in few hands in many countries and the social-economic-libertarian ideas spread in direct proportion, the conflicts between the nations became more and more commercial, until recently it has been held that all wars are commercial wars. And when the world's Great War ended in disillusion, when the tyrant of Russia was overthrown, when the symbol (but not the system) of commercial imperialism, the Kaiser, was destroyed in

Germany, when kings were tossed aside in several countries, labor governments, socialist governments, and one communist government established in Europe, it became more and more apparent that in one respect the World War was exactly what many persons said it was, "the war to end wars." But not in the sense in which they meant it. Not because it was the biggest war, not because it killed ten million and wounded another twenty million and sent an additional ten or twenty million to death from starvation and disease, was it to be the last of all wars. But it may well be the last of its kind, because the wars of the future may not be wars between nations but wars between classes. The threat of such a war is apparent as this page is written, when Hitler and Mussolini are aiding the Fascist class in Spain; and Russia, with the support of the socialist and labor parties of France and England, expresses her sympathy for the working class engaged in civil war.

The final, and the desperate effort of any reactionary regime to preserve the economic-financial status quo, can be called Fascism provided it acts according to the Fascist pattern — and that means, that to be Fascist it must employ violence, it must use armed force, it must if necessary impose itself through armed seizure of power and armed maintenance of power. This has been proved true elsewhere; it is the pattern for Fascism in America. The mass following is also a *sine qua non*, and so is a radical program by which the disinherited and dispossessed will be inveigled into following a dictator — Mussolini, you know, took seven out of Karl Marx's ten fundamental principles in the *Communist Manifesto* and rewrote them for the Fascist Proclamation of March, 1919, while Hitler called his party National Socialist and still promises the socialistic reforms which most of Germany demands. And there are other imperative requirements for Fascism such as dominance by the State, which Americans still reject. But the first requirement of all is armed force for the preservation of the business or money system.

I know very well that Mussolini's recent announcement of the nationalization of large-scale industries has been interpreted to mean that Fascism is no longer the hired armed-hand of Italian capitalism, and likewise that Germany's men of money and steel who financed Hitler are not making as much money as they expected, because once faced by a choice either of loss of mass following through starvation or

of "cracking down" on the rich industrialist profiteers, Hitler must take the latter course.

But even if it should develop that Mussolini nationalizes industry as the Russians have done (which I greatly doubt, although it would be characteristic of him since he has already betrayed every party and every idea, reactionary or radical), and even if Hitler establishes what he calls national socialism (a contradiction), it will not change the all important fact, which is, that in all instances business and finance organized or took over Fascism, made Fascism their politico-military weapon, and seized governments for themselves, for their own preservation and the exploitation of others with the aid of a Fascist (or Nazi) party and army. The dictators may not have loved their masters but they needed the masters' money, and they always repaid by creating a police-state in which labor was the muzzled underdog.

What if the Banca Commerciale no longer finances Mussolini and dictates his actions? Or the Lega Industriale cannot keep Mussolini from interfering in its factories and the Confederazione Generale dell' Industria and the Associazione fra Industriali Metallurgici Meccanici ed Affini feel that the dictator is forcing taxation and labor laws upon them, instead of carrying out the labor orders they have given him up to now?

It is a fact that these organizations bought and paid for "the March on Rome" in the expectation that they would be the power behind a successful dictatorship, and for more than a decade they actually were. And Hitler's backers were analogous groups: steel, power, coal, banks. There was Krupp von Bohlen, next to Zaharoff the greatest merchant of death; Fritz Thyssen, the steel king of Germany; F. C. von Siemens of electricity; Professor Karl Bosch of dyes; Dr. A. Voegeler, steel; A. Diehn, potash; Bochringer, steel; F. von Schroeder, banker; A. von Finck, banker; F. Reinhart, banker, and non- and anti-Fascists, including rich Jews, who risked their money on Fascism when they saw it had a chance to win. What if Thyssen is in South America and on the outs with Hitler, and some of the other original money men of Fascism feel they are not getting their money's worth? The fact is that they made Fascism for their own preservation and financial gain.

In France, Colonel De la Rocque's Croix de Feu is similarly fi-

nanced. In place of silk in Italy and dyes in Germany, we have M. de Mun of Champagne and the House of Nicolas (wines at any price), and most important of all, M. François de Wendel, merchant of death, director of the Comité des Forges, of banks, newspapers, mines, industries, and a member of the first of the two hundred families which own and control France.

It is always money and power that control Fascism.

In America we could read American Legion for Croix de Feu, d'Annunzio's Arditi, Mussolini's Fascisti, Hitler's Storm Troops. In America for François de Wendel and Krupp we could read Du Pont, Gary, Schwab, Grace, Myron Taylor, E. T. Weir; for the Lega Industriale we have the Manufacturers Association, and for the Associazione fra Industriale the National Chamber of Commerce. The backers of Fascism everywhere are the industrialists, manufacturers, big businessmen, the bankers.

The financing is always done secretly — until the movement succeeds. In America the one organization which is best adapted for financing a reactionary armed force is the one which has already proclaimed among its principles the salvation of private profits. The American Liberty League answers the description of the subsidizers of Hitler and Mussolini. It is at the moment in decidedly stale odor, but in Johnstown, Pennsylvania, and elsewhere similar groups are rivals for its succession.

I have already discussed the interests of the leaders of this organization. The United Press has made a survey of the industrial and financial empire which the members of the Liberty League direct or control, and places a money value upon it of \$37,000,000,000. The directors of the League are affiliated with all the great corporations, including United States Steel, General Motors, Standard Oil, Chase National Bank, Goodyear Tire, Westinghouse, Baltimore and Ohio, Mutual Life Insurance Company, American T. & T., and scores of similar concerns.

The committeemen of the Liberty League are directors in the following institutions (which are given with their assets):

American Telephone and Telegraph Co., \$3,078,568,666; General Motors Corp., \$1,183,674,005; Armour & Co., \$356,179,450; United States Steel Corp., \$2,102,896,880; Mutual Life Insurance Co. of New York, \$1,131,089,858; E. I. Du Pont

De Nemours & Co., \$605,631,064; Chicago and Northwestern Railroad, \$857,751,940.

The League's advisory council of 156 men and women are directors of many businesses, including:

United Light and Power Co., \$572,658,684; Illinois Bell Telephone Co., \$326,153,423; Shell Union Oil Co., \$657,609,898; Socony-Vacuum Oil Co., \$990,061,283; Central Hanover Bank of New York, \$696,913,634; First National Bank of Chicago, \$643,114,767; Baltimore and Ohio Railroad, \$1,220,833,814; Bethlehem Steel Corp., \$649,388,274; The Pullman Co., \$276,555,754; Great Northern Railway, \$851,424,768; Chicago, Burlington and Quincy Railroad \$680,464,026.

Missouri Pacific Railroad, \$664,947,552; Anaconda Copper Mining Co., \$692,430,089; Erie Railroad, \$626,505,049; Public Service Corp. of New Jersey, \$345,624,377; Bankers Trust Co. of New York, \$737,202,420; United Gas Improvement Co., \$345,460,440; American Can Co., \$203,004,550; New York, Chicago and St. Louis Railroad, \$309,951,133; Goodyear Tire and Rubber Co., \$198,736,506; Phelps Dodge Corp., \$345,224,448, and the New York Trust Co., \$310,432,263.

In the council of the Liberty League are the following representatives of big business in America:

Pierre S. Du Pont, Edward F. Hutton, Henry B. Joy, Alvan Macauley, Grayson M.-P. Murphy, John J. Raskob, Elihu Root, Alfred P. Sloan, Jr., E. T. Weir, Joseph E. Widener and Hal E. Roach.

If Fascism comes to America, it must have the backing of an organization analogous to the American Liberty League.

Certain conditions necessary for Fascism exist in America as they did in Italy and Germany. We seem to have everything from economic distress to red-baiting hysteria to demagoguery to intolerant superpatriotism. The profit system is at last fighting in the open. As in Italy, the banner of nationalism, discipline, order, will be raised, and promises of share-the-wealth and social security will be made, and every means known to man will be used to obtain a mass following for a magnificently worded program. Although it will differ from

Italian Fascism as German Fascism differs from the latter, the controlling forces will be the same.

These forces do not necessarily want civil war although they are willing, as history in other countries proves, to engage in bloodshed as a last extreme. They are usually willing to buy their peace. In the United States this means control of the two big political parties, and the corollary, the knifing of any and all third parties which might either get popular support or obtain the balance of power.

In the past it has been big business which paid the bills of both parties; at present it is still big business, but there is a decided leaning toward the Republican Party which is closer to Fascism than the Democratic, and in the future we may see a purely Fascist party — under a fine American patriotic Liberty-Boys-of-1776 name of course. Potential sponsors for this party are the Liberty League and Mr. Hearst.

In connection with the latter, it is interesting to recall the following declaration on this subject: "We still maintain a republican form of government," wrote Mr. Hearst many years ago when he still favored a republican form of government instead of Hitler and Mussolini and the Liberty League, "but who has control of the primaries that nominate the candidate? The corporations have. Who control the conventions? The corporations. Who control the machinery of elections? The corporations. Who own the bosses and the elected officials? Are they representatives of the people or of the corporations? Let any fair-minded man answer that question truthfully. If the corporations do all this — and they surely do — can we any longer maintain that this is a government by the people? It is a government by a distinct class. . . ."

Well, it took Mr. Hearst a generation to make practical use of a truth he himself had announced. When he wrote the foregoing he was presumably devoting his press to the purposes and hopes of the working class as against the corporations; today Hearst is openly on the side of the corporations.

How the corporations finance the Republican and Democratic Parties today is partly revealed by the publication of campaign fund contributions — partly, since we can never know the secret financing of politics. Sometimes, of course, there are scandals — the Hearst revelations of the Standard Oil Company's buying of senators, or

Teapot Dome, or the recent Black Legion investigation — and we get a small view of the vast corruption. That Mr. Hearst was right when he declared the corporations own both parties has been proved time and again. For example, the *New York World*,* in its great liberal crusading days, published the revelations made by Major Dickinson, a retired official of the State Department, showing that big business and the bankers had financed Theodore Roosevelt, the president who has gone into history as Teddy the Trust Buster, the enemy of the corporations — as well as of the opposition parties. Major Dickinson wrote that T.R.'s campaign was underwritten "just as they would underwrite building a railroad from here to San Francisco." Judge Alton Brooks Parker, Roosevelt's Democratic opponent, had the ammunition to destroy his rival but either Parker himself had been underwritten by a similar if not the same group, or the ethics of presidential campaigning were the same as newspaper ethics which require the suppression of all scandals involving the profession. Judge Parker refused to use the facts.

It is quite possible that Judge Parker realized that, should it become known by the group of powerful men who had underwritten the Republican campaign that he had obtained the evidence from Colonel Dan Lamont, then he, Judge Parker, "would immediately become *persona non grata* to the whole financial world, which, alarmed by the disclosures, would surely annul his chances of getting the Presidency." The list of seven, however, was furnished the candidate by his close friend, Colonel Lamont. As given by Major Dickinson it is:

James Stillman, head of the National City Bank (father of the James Stillman of divorce fame).

Judge Elbert H. Gary, head of the steel trust.

E. H. Harriman, master of railroad systems.

Daniel G. Reid, railroad manipulator; founder of the American Can Company.

George W. Perkins, partner of J. P. Morgan & Co.

Charles F. Brooker, vice-president, N.Y., N.H. & H.R.R.

Robert L. Bacon, Morgan partner.

A more recent illustration has been given me by one of the foremost women of America, a famous journalist. During a crossing from

* January 13, 1924.

Le Havre to New York, a group of great corporation heads — one of the greatest oil men in America, two of the biggest bankers, one of the most important industrialists — sitting daily at a table in the lounge, sought to disillusion my informant about politics and banish her naïve ideas about our Republican-Democratic olympiads. They explained to her exactly how the big business men of America finance the campaigns of both parties, including the “reform” party, whichever it may be, which promises the dear people it will end the iniquities of Wall Street, bust the trusts, drive the money-changers out of the temple, and what not.

“What about Franklin D. Roosevelt?” asked my informant.

“A slight error there,” replied the oil king. “Of course, we had our money up on him as well as the opposition, and we expected him to make the talks about the money-changers, but we did not expect much action. He has, however, betrayed his class, and he has fooled us. Well, we had about five million dollars in the Democratic Party in that election and there is no doubt that Franklin Roosevelt has now got a large mass following. I do not think we can defeat him, but my friends here do. It will take more than five million, but they say they will do it. They’ll do it if it takes twenty million. But make no mistake about it, Miss ——, we buy and control our presidents. And by *we* I mean the five men seated right here at this table and a few of our friends back home. We make mistakes sometimes, but usually big business wins no matter which party wins.”

Confirmatory evidence of this startling statement can be found in the testimony of the Nye-Vandenberg munitions committee of the members of the Du Pont family who admitted they supplied big money to both the Republican and Democratic Parties. Again, take a recent newspaper publication of new contributions to the two parties. We find:

Democratic National
Committee Report.

S. Parker Gilbert, partner in
J. P. Morgan & Co.

Republican National
Committee Report.

Junius S. Morgan, son of
J. P. Morgan.

Big financial-industrial interests, not the tens of thousands of persons who send in one dollar contributions, provide the war chests of the two financial-industrial parties, and have done so for decades. In

the 1928 election it has been proved* that half the Republican Committee's money for Hoover came from a handful of men who gave more than five thousand dollars each; almost half of the money for Al Smith's campaign was donated by a similar group. Of these considerable donors seventy per cent of the Republicans and fifty-eight per cent of the Democrats were bankers, brokers, manufacturers, mining, oil and railroad interests. And now we have the Democratic National Committee picking up half a million dollars, by what the trade euphemistically calls "good will advertising" in its *Book of the Democratic Convention*, from corporations whose owners and directors are both Republicans and Democrats. We find, for example, that the Associated American Distillers gave ten thousand dollars, Mr. Chrysler seventy-five hundred, and the United States Steel Corporation and Remington Rand five thousand dollars each. General Electric, Goodyear, Firestone, Youngstown Sheet, Swift, Cudahy, the Sinclair Refining Company, Chevrolet, Standard Oil, and Eastman Kodak all sent in fat checks.

J. Fred Essary of the *Baltimore Sun*, picturing the President as the enemy of the economic royalists, hinted that behind the scenes he was secretly making peace with them; he called attention to the White House daytime visitors, Chrysler, Owen D. Young, William D. Clayton, adding that even more important representatives of big business were "slipping into the White House for long and secret talks with the President at night," naming among them Myron Taylor of U.S. Steel and Walter Teagle of Standard Oil.

In November, 1937, when big business had taken another awful tumble, it was not surprising to find the Administration retreating before it all along the line.

The financial tie-up between the Republican Party, the corporations, the Liberty League, the superpatriotic organizations and the Fascist-minded Americans is much more apparent. The list of contributors to the Republican National Committee and the Liberty League is almost identical. The former reported Junius S. Morgan, H. P. Davison, George F. Baker, Lammot Du Pont, Alfred P. Sloan, W. L. Mellon, the Armours, Silas Strawn and others sending in between three and five thousand dollars each in January and February, 1936. By June, 1936 the committee gladly reported the Rockefellers

* *Money in Elections*, by Prof. Louise Overacker, Macmillan, 1932.

had given \$16,000, the Mellons \$25,000, the Union League Club \$15,000, and Messrs. William Woodward, George Whitney, Henry Du Pont, H. H. Timken and many others \$5,000 each. Other heavy contributors included Hallock Du Pont, Silas H. Strawn, Hearst's lawyer, John Francis Neylan, William Bell of American Cyanamid, Sewell Avery of the Liberty League, Ernest T. Weir of the Liberty League, John N. Pew, Jr., and other big businessmen.

In September, 1936, with the presidential campaign drawing to a close, the Special Senate Committee to Investigate Lobbying Activities made public a Digest of Data from its files, including a list of contributions to the Liberty League and such similar or affiliated organizations as the American Federation of Utility Investors, American Taxpayers League, Crusaders, Farmers' Independence Council, League for Industrial Rights (sic), Minute Men and Women of Today, National Economy League, Sentinels of the Republic and the Southern Committee to Uphold the Constitution.

Although the committee's record is incomplete, it found that in eighteen months ending in the spring of 1936 the sum of \$1,086,604.62 had been donated to these organizations by the financial-economic group which in America parallels the subsidizers of European Fascism. Of that sum, \$924,974 or 90 per cent — almost the whole amount — was sent by the usual subsidizers of reaction:

Du Pont family	\$204,045	Rockefeller associates	\$ 49,852
Du Pont associates	152,622	Hutton associates	40,671
Pitcairn family	100,250	Sun Oil associates	37,260
J. P. Morgan associates	68,226	Banks and brokers	184,224
Mellon associates	60,752	Utility Companies	27,069

All these names and prices are important for many reasons. They prove that big business subsidizes both major parties, the Liberty League, and self-styled patriotic organizations which are the enemies of the people. They warrant the presumption that the same interests will subsidize an open Fascist movement since they are already subsidizing the pro-Fascists, and the Fascist-minded.

PART FOUR

THE PRICE OF LIBERTY

Chapter 19. ETERNAL VIGILANCE

THERE comes a time, in writing about the crimes of the munitions makers, or analyzing the corruption of the press, or the present propaganda for the coming war, when the situation itself poses the question: "What are you going to do about it?"

In the past the present writer has been guided by a quarter century of journalistic reiteration of the word "objectivity," which meant the presentation of the news, the facts, without editorial opinion. "The presentation of truth" — if I may use the rather naïve but still important phrase — is, I have always been convinced, enough. I used to believe that "vice is a monster of so frightful mien, as, to be hated, needs but to be seen," which became an axiom years ago when I was assigned to the Pittsburgh councilmanic graft cases, the investigation of the red light district, the campaign against quack doctors, and many other enterprises of a crusading newspaper. It was not necessary to write editorials: the mere publication of a list of red light houses followed by a list of names of owners (which, by the way, included big businessmen in town) was enough. Public opinion and the law then took their course.

Perhaps it is only the book-reviewing clan which requires an editorial statement at the end of a book of facts; perhaps, however, the reviewers of books dealing with munitions makers, a corrupt press, propagandists, fraudulent patriots, incipient Fascists, speak for a public asking recommendations. Perhaps it is not true that the sight of vice, or reactionary intolerance and abridgment of civil liberties, is enough to cause a hatred which will provide a remedy. Perhaps I had better write a conclusion.

As I have indicated previously, there is one outstanding organization which is dedicated to preserving our civil liberties, and it was for a long time the only group of any kind of which I voluntarily became a member. It may come as a shock to my readers — it certainly was to me — to learn that the American Civil Liberties

Union has only five thousand members in the whole United States of America, and operates annually with a budget of only some \$20,000. It accomplishes tremendous things and is so influential that it has earned the enmity of powerful interests, notably the Hearst press. The Lusk report and other discredited documents, and notably criminally distorted testimony before official committees are used to attack the A.C.L.U. because although these are lies they are privileged lies and the publishers are free from the danger of suit. However, the A.C.L.U. report is worth repeating, that "due apparently to the persistent and distorted attacks by the Hearst press and the American Legion, the Civil Liberties Union membership jumped up by 700 in 1935, the largest increase of any of the fifteen years of its existence."

A move to discredit it is also made by the charming, cultured and intellectual society leader of Kenilworth, Illinois, someone named Dilling, who writes that "any one who takes the trouble to investigate what the A.C.L.U. is and does, knows that it is directed by Communists and Socialist revolutionary leaders and their sympathizers, and that it works untiringly to further and legally protect the interests of the Red movement in all of its branches—Red strikes, Atheism, sex freedom, disarmament, seditious 'academic freedom,' deportation and exclusion of Reds, rioting, etc., constantly supporting and cooperating with Moscow's open legal defense agency, the I.L.D., for this purpose." *

This statement is a collection of nonsense and half lies and distortions. There is nothing communist about the Union and in no year was the legal defense of communist persons and institutions more than a fraction of its activities. The Union, of course, could sue for libel, but since it advocates free speech and free press it is willing to overlook attacks upon itself, no matter how stupid, vicious and untrue they may be.

The strength of the Liberties Union lies in the personality of its small membership. Representative committeemen are:

Judge George W. Anderson, formerly of the Circuit Court of Appeals, Boston; Harry Elmer Barnes, the noted historian and sociologist; Bishop Benjamin Brewster of Maine; Heywood Broun, President of the Newspaper Guild; Professor Richard C.

* *The Red Network*, by Elizabeth Dilling, 1934, page 111.

Cabot of Harvard; Clarence Darrow; the Union's attorneys Morris L. Ernst and Arthur Garfield Hays, who have fought hundreds of battles for liberty in all the courts of the country; Rev. Dr. John Haynes Holmes, the leading liberal minister of the United States; Sidney Howard, the playwright; Quincy Howe, and B. W. Huebsch, publishers; Corliss Lamont; Agnes Brown Leach, director of the Foreign Policy Association; Prof. Alexander Meiklejohn; Bishop Edward L. Parsons of California; Elmer Rice, the playwright; Bishop William Scarlett of Missouri; Oswald Garrison Villard; and Dr. Harry F. Ward, Professor of Christian Ethics at Union Theological Seminary.

Among the friends of the Union is Alexander Woollcott, who, concluding his radio broadcasts, amidst whispers of censorship and pressure, astounded the country by this electrifying appeal: "I speak from the heart," he said, "when I tell you that I know of no other way in which a dollar can be so well invested in the interests of the American people as a dollar put in an envelope and sent to the American Civil Liberties Union, 31 Union Square, West, New York City." Three hundred and thirty-eight persons accepted Mr. Woollcott's advice. But it will take a thousand times that number to bring the Union up to the strength it deserves.

In being consistently libertarian the Liberties Union has never hesitated to take action involving its principles when that action was to the benefit of suppressive, intolerant, demagogic, and generally anti-libertarian elements. In 1934, for example, it sent its general counsel to aid the Friends of New Germany, a Nazi organization, in court proceedings to break down a lawless prohibition of their meeting in New Jersey.

This logical gesture was a shock to the howling enemies of the Union, who continually accuse it of being "pro-Communist" because so many of the men and women defended from illegal attacks are workers. It was even criticized by members who would except the German Fascists from their tolerance for the rather good reason that since the Nazis in Germany suppress all civil liberties, their agents should be permitted none in America. Moreover, there was the knowledge that free speech and assemblage would be denied us if these same German Nazis got control of local, city or state government anywhere in America.

Some years ago, when the Ku Klux Klan was invading the north, Mayor Curley of Boston, a Catholic, denied this terroristic body the right to hold a meeting and have speeches, but here again the Union protested, not because it had any love for the sheeted and dangerous yokels, but because it knew that if the Mayor suppressed the Klan he would lawlessly stop others he disliked — birth control advocates, union organizers, pacifists, etc. "And," continues the report, "he did. Our protest began when his lawless suppression began. We do not choose our clients. Lawless authorities denying their rights choose them for us."

Quite recently the Chicago authorities refused to grant a permit to Father Coughlin to use Soldiers' Field for a meeting of the National Union for Social Justice. Again the A.C.L.U. became active in behalf of a man who is no friend. Like Voltaire, it was willing to defend to the death the right of another to say things with which the Union itself did not agree.

The Union is constantly being confronted by such problems as the ethics of sending protests to judges. When Western Union ruled it would not deliver telegrams which sought to influence decisions in pending cases (Left-wingers had sent thousands of such protests to judges of all degrees, from those on the Supreme Court bench down to the politicians who occupy police court swivels), the A.C.L.U. upheld the Western Union. "A judge engaged in the trial of a case," it decided, "is presumably in the same position as a juror. If we maintain the right of friends of defendants or urge dismissal of a case, we must also concede the same rights to friends of the prosecution to urge convictions. Certainly, we would condemn any attempt, let us say, of the American Legion or the D.A.R. to shower a judge with telegrams demanding conviction of a radical."

The Union's statement in the Nazi rights case is perhaps the best declaration of its principles. Naturally enough, many liberals were rather severe in their outspoken opposition. "Few of our critics," replied the Union, "take a frankly class position on the exercise of free speech, as do the Communists — denying to reactionaries the rights they seek for themselves. Emotions of hate and intolerance alone lead them to outlaw the Nazis. But if the Union yielded to such critics, and condoned the denial of rights to Nazi propagandists, in what position would it be to champion the rights of others? Shall

we choose to defend only progressive or radical causes? And if we do, how best can we defend them? Is it not clear that free speech as a practical tactic, not only an abstract principle, demands defense of the rights of *all* who are attacked in order to obtain the rights of *any*?"

The Union does not care to make martyrs of the Nazis by helping drive them underground where they would attract more sympathizers, but believes the best way to combat their propaganda is with counter-propaganda, protests, picketing, all the means which do not deny the rights of anyone. Against the Nazi interference with the rights of others, the Union declares, it will continue its fight, especially against Nazi drilling with arms (evidence of which was given the congressional committee); and Nazi breaches of the peace must be prosecuted under criminal law. Criminal libel statutes are a remedy.

The Union's program changes from year to year as new enemies of our liberties arise and fall. In the early 1920's, the Ku Klux Klan constituted the most serious menace to traditional American rights. In 1935 and 1936, gag legislation and the tremendous wave of reaction, which followed the death of the Blue Eagle and brought violent denial of labor rights, provided the Union with more cases than it was adequately able to handle. Its newest program is an important document because every one of the fourteen items listed as an activity is proof that many violations of the Bill of Rights are occurring under that heading. I quote it in full in an appendix.

I am also a member of the National Committee for the Defense of Political Prisoners (156 Fifth Avenue, New York City), whose policy is to "defend militant labor and the victims of racial oppression." I believe membership in both these organizations to be a moral obligation.

There can be no doubt that a specific guarantee of individual rights in a new amendment to the Constitution, first proposed at the time that great instrument was being written, would check the encroachments of the state considerably and of the lawless police, judges, business corporations and patrioteers even more. The Federal Industrial Relations Commission did in fact propose such a measure. The Manly Report recommended: "That Congress forthwith initiate an amendment to the Constitution providing in specific terms for the

protection of the personal rights of every person in the United States from encroachment by the Federal and State Governments, and by private individuals, associations, and corporations. The principal rights which should be thus specifically protected by the powers of the Federal government are the privilege of the writ of habeas corpus, the right of trial by jury, to free speech, to peaceable assembly, to keep and bear arms, to be free from unreasonable searches and seizures, to speedy public trial, to freedom from excessive bail, and cruel and unusual punishments."

And, at a time when the nine judges had declared numerous social security laws unconstitutional, while Mr. Hoover was going about saying that "the American people should thank Almighty God for the Constitution and the Supreme Court," it was Norman Thomas, the leading Socialist of the country, who proposed that the Constitution be changed so that it would function for the benefit of the majority, the workingmen and women of America, through the passage of his Workers' Rights Amendment.

The hearings of the La Follette Civil Liberties Committee have already revealed such a great semi-legal and illegal attack upon our liberties that it seems logical to expect that a constitutional amendment defining and enlarging and safeguarding our rights will follow.

Of course, we cannot expect too much from a Congress composed almost exclusively of Republicans and Democrats, both pretending to serve "the people" but aware that they owe their first allegiance to certain people. Men of courage, independence, and character are rare in Washington, and true libertarians are as scarce there as in any city of its size in the country. And as for depending upon what the politicians always call their "enlightened electorate," why, that has been the most tragic joke in the world. Every four years in our lifetime, the people of this country have proved their lack of understanding by voting for the two parties which are the political machinery by which the Du Ponts, Sinclairs, Morgans, Raskobs, Hearsts and similar humanitarians run the country — and every four years the voters believe the buncombe of the venal press which tells them they are all-powerful.

The forces of communications — the press, radio, movies, especially — are to blame for perverting the minds of the people, the pulpit and educational system for failing in their high purposes. And

behind the communications, the pulpits and the schools, the ultimate blame of course rests on the men, the powers, the economic, financial and social forces which some call Capitalism and others the status quo, or Wall Street, or the Beast, or even the Setup. Under whatever name it may be known, it consists always of those who have money, possessions and power — the State, the courts, the laws and the press — and who have never in history voluntarily relinquished them or even permitted the people their liberties without a fight. The hag-ridden Kluxers and Legionnaires, the professional patriots, that eighty per cent of the press which was bribed, the chambers of commerce and commercial organizations, the disgraceful sons and daughters of 1775 Revolutionaries and libertarians, are either the dupes or the willing co-workers of this arrogant, reactionary, repressive system, call it by whatever name you will.

The new liberal and progressive leaders, who are generally accused of being soapbox demagogues, have not as yet won the masses. To make our fight against the enemies of the people it is high time we had a political party representing you and me, a party representing all wage earners, the trade unions, the farmers, the professional workers and the cooperative groups — all the people who believe in preserving and furthering real democracy.

The American people, according to lists prepared by the Social Security Board, includes the following number of wage earners:

15,000,000	in manufacturing and mining
10,000,000	trade and clerical
11,000,000	agriculture and forestry
4,000,000	transportation and communication
4,000,000	professional and public service
5,000,000	domestic and personal

A total of 49,000,000. If from this number you subtract the white collar workers, most of whom still think they are too good to be known as proletariat, and little bosses and functionaries who have a "position," you still have close to 40,000,000 wage earners who could, if they organized themselves, call themselves the people of the United States, and bring about a cooperative or distributive system which would insure to each all the food, clothing and shelter, and the personal property he could possibly dream of — social security for all, abundance for all.

In many foreign countries, the wage earners are engaged, or have been until dictators stopped them, in just such a program. Being a wage earner almost automatically makes a Briton or a Frenchman a member of a liberal or labor party. Being a workingman almost automatically makes a man join in the cooperative commonwealth movement in the most enlightened countries of Europe, if not in the world — I am referring to Denmark, Sweden and Norway. It is only in the country which proclaims itself the most intelligent, the most enlightened, the most free, the greatest in the world, that the people themselves are so misled that they have never in any great numbers joined any movement which really aimed at their own betterment.

In 1940, however, there will certainly be a functioning Labor Party, honestly and sincerely representing the people, whether or not the masses are ready or willing to be so represented. In several states a Labor Party already exists. In New York in May, 1936, a Trade Union Sponsoring Committee for a Labor Party, as its first act, adopted by unanimous vote a resolution "in favor of independent political action on the part of labor on a program of progressive legislation for the protection of civil rights and backed up by the economic power of the American Federation of Labor." The limitation of the power of the Supreme Court, the right to picket, the outlawing of injunctions, thugs, soldiers, and private police in strikes, and war on Fascism were part of the first program. The unanimous report declared that "neither Democrats, new or old dealers, nor Republicans can be depended on to protect or promote any action in the interests of the working people" and that whenever any pro-labor legislation is enacted, "we find that the other arm of the employers' political party, the courts, stands ready to nullify, misapply and destroy such legislation," which is self-evident nowadays.

The first national conference of the Farmer-Labor movement held in Chicago the same month decided not to enter the 1936 campaign but to organize a powerful party which will hold the balance of power in Congress should it fail to elect a majority.

Its first adopted set of principles was not alarmingly radical: abolition of monopoly, public ownership of natural resources, a social security program financed by taxes on high incomes, inheritance gifts and corporate surpluses, a thirty hour week with no reduc-

tion in pay, curb on the Supreme Court, opposition to war, steps toward collective security. These are the things the people of the United States want or should want. The intelligent leaders of the 49,000,000 wage earners, in other words, proposed a political party which is pledged to government ownership of natural resources and social and collective security for which the rich minority will have to pay through taxation. If reason and intelligence prevailed in the country, instead of Liberty League money and Republican and Democratic newspaper buncombe, it would be logical to expect that 49,000,000 people would rush out and vote for themselves and their own interests, instead of those of the Du Ponts, the Morgans and the Hearsts.

The situation is deplorable but not lost. The defeatists must be defeated. You and I should support a new party so long as it is our party.

But, believing as I do that a free press is the bulwark of the Bill of Rights, I sometimes think I would place above all other recommendations and first under the heading "eternal vigilance," a united front against the reactionary newspapers in America. When Dr. Dewey included the press among the forces in the hands of the reactionaries, he was sharply criticized by the *World-Telegram*, bellwether of the Scripps-Howard chain of newspapers. That was in 1934. The *World-Telegram* said to Dr. Dewey that he was mistaken as regards the press, that "nothing is less regimented in this country at the present moment than the press, for or against liberalism. . . . Nor are reactionary newspapers anything like a solid phalanx. Many of them are already engaged in more or less daring flirtations with progressivism in the hope of saving an Old Guard from complete surrender. . . . A 'possessed' and mobilized force the press is not. . . ." Two years later the election campaign for the first time in the history of our generation posed the question of progressivism and liberalism (of a mild, reform sort, to be sure, and not recognized as liberalism by real liberals) versus reaction, whose depths can be measured by its fundamental basis: the Liberty League, the Du Ponts, Morgan, Hearst, Wall Street money. And what did this free, heterodox, unmobilized, healthy and independent press of America do? It went over, between eighty-five and ninety per cent, to the side of reaction. The power interests had lamented that they had been able to bribe only eighty

per cent of the nation's free press, but more than eighty per cent, many dropping party lines for the first time in order to catch hold of financial life lines, proved Dr. Dewey's contention with finality.

It was believed at one time that the newspaper press would do more than any enlightening agency in the world to liberate the people, but since there is no longer a free press anywhere — free not in the sense of being permitted to print, but in printing, facts uncolored by the corrupting forces of money in its many manifestations — then that instrument is no longer the object of great hopes. Moreover, as Sir Norman Angell best expresses it, the press has become “one of the worst obstacles to the development of a capacity for real self-government, perhaps the worst of all the menaces to modern democracy. The institution which the older order most feared as the instrument of revolution has, in fact, become the main instrument by which any real movement toward a new social order is resisted. If the workers are out for the destruction of all autocracies, for the self-determination and self-government of the people in their daily lives, the right to rule themselves in the things that matter most — so far as those things are human possibilities at all — then the indispensable condition of their success is a daily press of their own.”

It has always been my belief that everything that is vile and detestable in our national life can be cured by a free press, that not only national life but individual life can be made better when a free press functions. Given a free press, a country would have the instrument with which to convert the entire people to the great program of the cooperative commonwealth, the practical utopia. The war-mongers, the merchants of death, the exploiters of human labor, the parasites who live on the toil of others, the reactionaries and the Fascists with all their present power and their control of the instruments of force, would not long endure.

With a free press everything is possible. This is at least my fixed idea. But is there any axiom which proves that an *idée fixe* cannot be an *idée juste*? And until I am proved wrong I will continue to spread the idea that a free press is the first objective of every person who values freedom. The main fight for a free press is at present being waged by the American Newspaper Guild of which Heywood Broun is presi-

dent, and if I were a decrepit millionaire who had robbed widows and orphans of their oil lands or an industrialist who had never missed paying a dividend and never paid a living wage, I would make peace with my conscience by leaving my millions to the Guild for the purpose of establishing free newspapers.

Meanwhile we must support the few liberal newspapers which are for civil rights and against vested interests.

Most important of all must be the realization by this generation that economic pressure has brought upon us with redoubled fury the battle for liberty which we once believed won. Libertarians through all the ages have agreed that liberty is not a code, a paper, something static, fixed, once won and forever present. Freedom must continue to struggle in its own defense; otherwise it degenerates. Lincoln realized that there was a continual war, a never ending struggle, when he declared that "the cause of civil liberty must not be surrendered at the end of one or even one hundred defeats," and the contemporary Bertrand Russell believes that "the old battles for freedom of thought and freedom of speech, which it was thought had been definitely won, will have to be fought all over again, since most men are only willing to accord freedom of opinions which happen to be popular." As Mr. Whipple, the historian of civil rights, * sums up, "Liberty cannot be inherited. It must be won and won fresh for each issue in every generation. Our fathers' liberties are little help to us. The old spirit may free us but never the old words."

And since I have used Mr. Lewis's title for all its ironic worth, I will conclude with a warning from *It Can't Happen Here*. The struggle for human liberty in America is befogged, says Mr. Lewis, by the fact that the worst Fascists are those "who disowned the word 'Fascism' and preached enslavement to Capitalism under the style of Constitutional and Traditional Native American Liberty. For they were thieves not only of wages but of honor. To their purpose they could quote not only the Scripture but Jefferson."

In truth there appears on the propaganda sheets of various self-styled liberty leagues (subsidized by the Du Ponts), and the inheritors of Ku Klux-isms the immortal Jeffersonian phrase, "Eternal vigilance is the price of liberty."

* Leon Whipple, *Our Ancient Liberties*, H. W. Wilson Co., 1927.

The American tragedy is the mental inability of vast strata of society to distinguish between the real libertarians and the enemies of liberty quoting the founding fathers. And yet the test seems so easy. Take, for example, the Liberty League broadcasting an offer to fight for every man's violated rights and refusing to accept even one of the hundreds of cases offered it by the Liberties Union. By such actions rather than patriotic words must we judge them.

But, as Doremus Jessup realizes, all the conscientious, respectable, lazy-minded Americans who let Fascism grow without fierce enough protest are to blame.

The "danger of abridging the liberties of the people" of Abraham Lincoln's time has grown in our time. Not so much the present war on radicals but the intolerance of everything liberal, from culture to statesmanship, which finds extreme expression in murder and lynching, and which in steel mill towns, coal mining regions, in the deep south, on the farms and in California, produces a simulacrum of a Nazi reign of terror, proves that our liberties are especially endangered in time of economic danger.

Certainly those who realize that human life loses all value when liberty is denied the individual must be willing to unite and work and fight to preserve the old and gain even greater freedom.

For the benefit, therefore, of book reviewers who insist on a constructive program in the concluding chapters of a book, and perhaps for those who, book reviewers declare, expect it, here is a recapitulation:

1. Adherence to a Labor, or Farmer-Labor, or Progressive, or any party or coalition of parties dedicated to the ideals of civil liberty and not the pork barrel.

2. Adherence to organizations dedicated to the preservation of our civil liberties, such as the A.C.L.U.; the National Committee for the Defense of Political Prisoners; the special similar organizations which spring up for special cases, such as the Mooney case in California; the Methodist Federation for Social Service; the National Catholic Welfare Conference, and similar organizations.

3. Adherence to cooperative and similar movements for economic liberation in the knowledge that without economic liberty we will never enjoy civil liberty.

4. Support for a free press.

“If we wish to be free we must fight.”*

At this moment I can hear the D.A.R., American Legion, Mr. Hearst, the Chamber of Commercial Patriots, the noble Elks and various other orders of *Bovidae* unite in a cry of “treason,” “sedition,” and “red.”

Yet it is as true today as in 1776.

* This phrase is by Patrick Henry. It is from the same speech which includes “give me liberty or give me death.” Curiously enough, however, the editor of a Hoosier publishing house which first suggested my making a survey of civil liberties did not realize that P. Henry, not I, was the author; he accordingly wrote “treason” in the margin of a manuscript which used this phrase without quotation marks, and returned it.

Chapter 20. ENLIGHTENMENT IN MADRID

Democracies are notoriously weak in aggressive action and the problem of meeting reactionary aggressiveness is probably the most important issue facing the defenders of freedom today.

(From a letter written by Roger Baldwin after reading the first draft of this book.)

IN THIS survey of what is happening here in America I have omitted five written chapters on academic freedom, censorship of the theater, the radio and the screen, the attempts to suppress books and the story of hundreds of minor attacks on either liberty or liberalism or progress. It is true that the same men of power, the same social and economic forces which employ private armies to create terrorism and swell the dividends of corporations, are as much responsible for censorship as for bloodshed. But the record is too long — unfortunately.

There is, however, one subject which has not been discussed and which is without doubt the most important of all. It is posed by the questions: are Fascism and Reaction synonymous? Does America face the choice of Fascism or Communism, or the choice of Fascism or Democracy? What is the one sure way out of the present dilemma which is certain to safeguard old liberties and produce even greater ones?

The reader may have noticed that other voices, not mine, have from the very opening chapter used the word *Fascist* in dealing with reaction: these are heard first coming from the Civil Liberties Union in its annual reports, then from a Methodist bishop, from liberal senators, and later from the most intelligent leaders of world thought. Yet it is a fact that writers using *Fascism* and *Reaction* as synonyms have frequently been the target of critics whose favorite words are “exaggeration” and “oversimplification,” and whose attitude is Olympian if not ivory-towered or straddling aloofness.

This question should be answered by the inventor, compounder and father of Fascism.

We may all remember that famous blast against liberty which II

Duce wrote soon after he assumed power in Italy: "Know then, once for all, that Fascism recognizes no idols, adores no fetishes; it has already passed over the more or less decayed body of the Goddess of Liberty, and it is quite prepared, if necessary, to do so once again." * This notable declaration is preceded by phrases just as deliberate, realistic and powerful. "Men are perhaps weary of Liberty," the Duce wrote. "They have had a surfeit of it. Liberty is no longer the virgin, chaste and severe. . . . Fascism, which was not afraid to call itself Reactionary . . . does not hesitate today to call itself Illiberal and Anti-Liberal. . . ."

In Italy, Fascism was not afraid to call itself reactionary; it was not afraid openly to denounce democracy, to ridicule freedom, to place Order, Discipline, Hierarchy, the surrender of the individual to the State, above the American principles of life, liberty and the pursuit of happiness. In America, of course, life may be imperiled by economic serfdom, liberty may be curtailed by material and moral forces in the control of big money, and the pursuit of happiness may end in a breadline of ten million men, but the day will probably never come when a man or a movement will be brave and honest enough to march toward power along any road but that of Liberty, Freedom, Democracy. The Ku Kluxers in the South, the Nazis of New Jersey, always rally round the Stars and Stripes.

The forces of Reaction, as I have tried to show in the preceding chapters, have everything on their side — "force, in not only the army and police, but in the press and the schools," † as Dr. Dewey says. They — reaction, Fascism, money, big business, capitalism, the Haves, the ruling class in America or whatever you wish to label them — have these weapons. What have We? (By *We*, I mean, of course, those to whom antonyms for the foregoing list can apply, notably the Have-nots; organized and unorganized labor including the Lumpen-proletariat who usually fight on the side of their enemies; the small stratum ranging from right-liberalism to left-radicalism; the intellectuals who always side with the dispossessed — and that minority which makes no speeches about democracy, joins no patriotic movements, but knows and feels, works for, and is willing to make sacrifices for American democracy.)

* *Gerarchia*; (Rome), March, 1923.

† Address to American Philosophical Association, Dec. 28, 1934.

They have the guns, the armed men, the money; *We* have the masses of people and the intellectual leadership. They have the newspapers but we have the newspapermen; they have the plutogogues but we have the leading American writers of whom a hundred signed the Van Wyck Brooks and R. L. Duffus manifesto in favor of the Spanish Republic. History tells us that the first to recognize a sinking social system and to move forward to higher ground is the intelligent minority. It has happened in America.

Whether or not the system will sink, whether or not those in power will continue on the course of reaction and Fascism, whether the Rooseveltian reforms will postpone the crisis, or a new liberal-labor coalition peacefully restore economic as well as political liberty to the people, or a reactionary victory invite violence, are subjects for intelligent speculation, not prophecy. Perhaps history in the making in other countries, notably in France and Spain, can teach us a lesson.

The Spanish Republic of 1931 wrote a constitution which was meant to be an improvement on even the Jeffersonian Bill of Rights. Economic liberty was included. "Spain is a democratic republic of workers of all classes, organized as a regime of liberty and justice. The powers of all its organs emanate from the people. . . ." The Inquisition was officially at an end; the Church was separated from the State; the victims of Fascism in all parts of the world were invited to make Spain their asylum, and the first and greatest problem of the people — land — was approached by a small distribution of several large estates. It is useless to argue here whether the Church owned fifty per cent of the land, as some historians state, or a lesser amount; the fact is that wealth, monopoly, power, the control of the armed forces, the press, public opinion, were taken away legally from the small powerful minority of nobles, businessmen, landlords and churchmen and given to the people.

The 1934 victory of the Robles-Lerroux Clerical-Fascist party was followed by the confiscation of some of this land, the end of agrarian reform, the restoration of the church and the landowners to power. Then the 1936 Popular Front victory again reversed the situation, and ten times as much land was distributed to the dispossessed. In July, 1936, the Republic took the first step toward guaranteeing the permanence of its reform by announcing a people's army to replace the army which had fought for the landowners, the roy-

alists (blood and economic), and the church, and it was this decisive plan which promptly caused a rebellion of the officers.

Now this two paragraph history of five years of military and social and economic struggle in Spain is certainly inadequate and the facts seem to show more dissimilarities than parallels to the American situation. But fundamentally there is much in common. The Falange Española which joined Franco can be compared to the American Legion. The plotting of General Sanjurjo (the rebellion's real leader, killed by accident on the third day), and the industrialist Juan March and the political leader Gil Robles can be likened to the Smedley Butler-Grayson Murphy-Robert Clark affair recounted in a previous chapter. And there are other significant similarities. But the lessons from Spain, which the writer realized by actual contact, and which the reader may have gained by reasoning from the facts, are largely these:

1. That those in power will use every legal means to maintain themselves, and if these fail, will resort to violence. In America it is the use of private and national guards and vigilanteism; in Spain, until July, 1936, it was repression through the civil guards; after July, open warfare.

2. That there is a Fascist International whose plotting is admitted in Spain, where Fascist Italy, Fascist Germany and Fascist Portugal are united in fighting a nation.*

3. That the three Fascist nations have recently made treaties with Japan, the big reactionary power of the East.

4. That international Fascism is not only the enemy of democracy, but is ready to use the same terrorism and bloodshed in foreign fields as at home, in the effort to destroy it. Europe knows that if Fascism wins, Czechoslovakia will be attacked next, then Russia, then France, eventually Britain and America.

Spain is a democracy. (If it isn't then neither is France nor America and we need a new definition.) The Fascist apologists, the red-baiters, have attempted to justify their revolt by shouting "communist" or "communist-controlled" at the Loyalist regime. The

* Neither the 1936 election figures where the question was neither Fascism nor war, nor the later fact that half the people are within Franco's lines, alters the fact that every labor organization and the entire working-intellectual class, the majority of the population, is against Fascism and knows this is a class war.

Spanish cardinals, for example, who recently issued a pastoral letter favoring the Fascist cause, are of the opinion that bloody murder is justified if it can be proved the victim is a "Red." In Berlin, of course, they chop off the heads of men believing in the economic theories and social philosophy of Karl Marx, while Franco executes all prisoners * because they are members of labor unions; nevertheless neither armed class war nor official executions are as yet generally advocated in America and the justification of the massacre in Chicago by a coroner's jury of American Legionnaires was more roundly condemned than praised. We do shoot down pickets every year but we are not yet ready to massacre thousands whose ideology is not that of the party in power.

It is just because the Spanish Republic had attempted by peaceful means to provide a real new deal for the majority, by giving them back the natural resources, that predatory nations conspired to take by force and divide among themselves the great Spanish mineral wealth. † To cover this aggression it was necessary to revive that red myth which had served to destroy the British Labor government in 1924, which floated Wall Street loans for hundreds of millions of dollars for Italy in 1925, and which almost brought on a war for Mexico's oil in 1927. The National Electric Light Association once admitted "pinning the red label" on municipal power plants for financial reasons, ‡ and Hitler calls the Spanish democracy communist for the same purpose.

To explain the political complexion of the Spanish Frente Popular we have to go to France to investigate the Front Populaire, its blood-brother, not as yet steeped in blood. Here in France we have almost the same situation as in Spain before the opening of the Civil War: we have, primarily, a coalition of all elements who believe in democracy fighting the forces of Reaction and a potential Fascist regime.

No one but a fool or a bigot or the Hearst press would call either the Blum or the Chautemps Front Populaire government red or communist or communist-controlled. And yet this coalition could not

* Admitted in eyewitness report of André Hoornaert, noted Catholic writer, in *La Libre Belge*, organ of Catholic Party; admitted also by Colonel Bollin, Franco's press attaché to pro-Franco correspondent of *Chicago Tribune*.

† Hitler in his Würzburg speech admitted Germany was repaid for helping Franco by Spanish mineral ores. *New York Herald Tribune*, June 27, 1937.

‡ Federal Trade Commission hearings.

exist for a day without the support of the Communist party in France. The government is just what its name indicates, a popular front of liberals, radicals, and the Communist Party, plus the intelligent stratum, of course. Opposed to it are all the enemies of this mass movement. Despite red cooperation, the red-baiters have been silent. They have refrained from their libels and their lies. After all, France is a powerful country which cannot be attacked with impunity; and it is at peace, open to tourists and journalists who may frequently be blinded by propaganda, but hardly by the red fraud.

The truth of the matter is that Spain is less communist than France. In 1936, the Frente Popular victory corresponded to the French Front Populaire victory. But whereas in France some seventy communists were elected to the Chambre des Deputés (from a population of 40,000,000) in Spain sixteen communists entered the Cortes (from a population of 24,000,000). There was not one member of the Communist Party in government office when the Fascist rebellion broke out. There were some 30,000 members of the red party, who with their sympathizers were able to poll ten times as many votes. In April, 1937, I attended a mass meeting in Valencia in which the head of the Communist Party announced that thanks to the war and red baiting, his organization had enrolled a total of 249,000 persons. Two communists were named among the dozen who made up the largely Republican party cabinet. But that still does not make the Spanish Government communist, and such statements from priests, press or politicians are not only always untrue but betray their makers.

I devote all this space to the question of the Spanish color and to a comparison of Spanish and French Popular Fronts for two reasons: because I foresee a popular front in America and I notice that the red-baiting attack of our reactionaries is already growing general in our country so that it now includes all liberals, all intellectuals, all non-conformists, all democratic elements.

The Front Populaire has preserved democracy in France. The Frente Popular in Spain would not only have saved the liberties of the people if its army reform had gone through, but it would have succeeded in reaching the objective to which a similar organization in America must at once begin its march; the Frente Popular would have given the people not only civil liberties but economic freedom,

economic security, equality, and that happiness for which millions in America waste their lives in vain pursuit.

In the civilized Scandinavian monarchies, in the Czechoslovakian Republic which is arming against the Fascist International, in Belgium where Fascism was soundly defeated in 1937, in Britain (where the Labor Party has too often stood by the Conservatives in the great hypocrisy of the Spanish crisis), and in many other nations where freedom still exists, the idea of a common front against the enemy is gaining ground. In fact, it has made such important gains that the frightened red-baiters have invented the charge that every such coalition is a Moscow plot. This fraud originated in Nuremberg at the 1936 Nazi congress; it was heard over the radio in the nightmarish voice of Doctor Goebbels, and it appears today in the self-styled objective press of the world, but nevertheless the Popular Front moves on, joining all good men, whatever their political views, in united action against those who wage war for profits.

For me, personally, the little world war in Spain has been a great lesson. It has solved the question of Communism versus Fascism,* by proving that the question does not exist, that the real question is Democracy versus Reaction (which is Fascism); it has reestablished faith in the democratic form of government, it has restored a belief in the integrity and rightness of the masses, and it has again proven that life without liberty is valueless, that liberty is worth fighting for, giving one's life for, and that there are times when great masses of the people — including even the illiterate and the unintelligent — experience the revelation of an ideal.

The question of Communism and Fascism has been clarified in Spain for everyone in America who is not blinded by propaganda or ingrown religious superstition. It is an obvious fact that for almost a generation the western world has been warned against the Communist Internationale, its "boring from within," its conspiracy, its plans to attack internationally — in fact against the very things which the Fascist International is doing today.

* Mussolini said in his famous Palazzo Venezia speech October 8, 1931: "The struggle between two worlds (Democracy and Fascism) can permit no compromise. . . . Either We or They!" This admission by the leader of Fascism should make the choice for Americans easy, since we are all for democracy. The difficulty is that Fascism in America still masquerades as democracy.

The Communist Internationale holds public congresses — I have attended them — where the hopes of winning the world to Karl Marx are reported and discussed, but the supposed documents of violent and military plans for that goal, such as the Zinovieff Letter, the Associated Press-Mexican red hegemony story of 1927, have without exception been exposed as forgeries and hoaxes. On the other hand there are no accusations of world plot against the Fascist nations, no forgeries and hoaxes, but there is the living and bloody evidence of Italian, German, Portuguese and Japanese cooperation throughout the world under the fraudulent banner of making the world safe from Bolshevism.

We who are interested in liberty and who fear dictatorship have convincing evidence that the enemy is international Fascism, that it is Fascism that not only conspires secretly but attacks first and openly; we have the proof in the Mediterranean and we can foresee it in the Far East. The four Fascist nations are united by treaties and blood.

Wars and violence are not necessary for the triumph of Democracy. Violence and wars are the necessary methods of reaction and Fascism. Fascism has to attack. It must destroy or overpower the physical bodies of men because it cannot win either the mind or spirit of man.

That the People's Front program should be slowest in the United States surprises none but strangers. Any student of national behavior can explain why ours, the youngest of the great nations, conceived in bloody revolution, its guiding principles written by revolutionary radicals, should in so short a time suffer from hardening of its political arteries, such atrophy of its mental largeness, such a decay of the spirit of tolerance, and a loss of the faculty of change. The political ancestor worship of the Republican and Democratic Parties which one finds in Vermont and in the South amounts almost to a phobia. New parties, including those not at all radical, have had hard going, or none at all.

And in the liberal, labor and cultural ranks themselves there is dissension. The dispute between the two important organized labor groups, the C.I.O. and the A.F. of L., has reached such bitterness that the latter's president, Mr. Green, has actually dusted off the old red rag and tried to hang it on Mr. Lewis. In close-up this quarrel may appear important. From the long view, in Spain in the winter of

1937, from the clay trenches where I heard hundreds of American boys denounce the agents of schism, from the muddy dugouts of their comrades, the British and Irish, the heroic Italians who had sent the Blackshirts running, the ten thousand Frenchmen representing all parties in the Front Populaire at home, from the adjoining lines of Czechoslovaks, Belgians, Danes, Germans and others, united by common sacrifice in the greatest cause in the world, such dissensions at home appear stupid, criminally stupid.

Our men in the trenches are almost crazed for news from home but they grow furious when their letters tell them that partisans of the C.I.O., suspecting their rival of an obscene eagerness to compromise with big business, have now become the tool of employers; and when partisans of the A.F. of L. write them that Lewis is an indomitable egotist, the coming dictator, who will betray the working people just as Mussolini did after leading them for a decade. The men in the front line trenches, for whom life or death at any moment depends upon a millimeter deviation in the alignment of a gun, are sickened by these reports of "deviations" from party and union lines. They want unity. They realize better than those at home how necessary it is because they have had tragic experiences in Republican Spain where the badly welded coalition, made less than a year before the rebellion, frequently explodes in Barcelona with treasonable results.

The union of labor and culture, the enemies of reactionary dictatorship, forming for political purposes a popular front in America, will open a very broad sunlit national highway on which millions of people of many different political and economic shades may march abreast toward the common objective, the old-fashioned ideal of liberty. No one requires them to hold hands as they march, or to embrace each other at the goal.

One more word: I want to emphasize the warning which I heard in the German Reichstag in the early 1920's, when the reactionary forces were small and young and still using the weapons of individual murder, instead of open conspiracy at home and wars in foreign lands. The finance minister Erzberger had been murdered by the reactionaries;* foreign minister Rathenau had been assassinated by

* One of the men "charged with complicity" in this murder, Baron von Killinger, *New York Times*, June 25, 1937, is now a Nazi Consul General in San Francisco.

officers who were aided to escape by the reactionaries. The liberal democratic Catholic leader and Chancellor, Dr. Wirth, addressing the Reichstag said: "*Der Feind steht rechts.*" (*The enemy is on the Right.*)

In America today, as in Germany many years ago, the enemy is Reaction. The enemy has the men, the guns, the money, the press, the power. They can beat us if we stand in separated groups. The friends of liberty and the enemies of liberty leagues cannot only maintain a democratic republic in America, producing the greater freedom which a few of the real libertarians among the founding fathers had in mind, but can surpass them by establishing economic liberty and eventually perhaps that maximum of liberty which comes with a minimum of government.

We must guard against the impostures of pretended patriotism, especially that patriotism which is the last refuge of scoundrels and which is so prevalent, so professional, and so well paid nowadays. Eternal vigilance must become more than the slogan for small associations desperately fighting almost overwhelming cases of infringement on individual liberties. We must realize that those who use red-baiting to attack every liberal and democratic movement today, are the armed cutthroats of reactionary Fascism tomorrow. Two facts emerge from any study of European turmoil and the new class alignment in our own land. The enemy is always the Right. Fascism and Reaction inevitably attack. They have won against disunion. They will fail if we unite.

APPENDICES

CIVIL LIBERTIES IN THE BILL OF RIGHTS

These are the sections of the Bill of Rights of the Federal Constitution which constitute the basis of civil liberty:

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; of the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life and limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process of obtaining

witnesses in his favor, and to have the assistance of counsel in his defense.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE XIV

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

* * *

I. THE RIGHTS — PERSONAL LIBERTY

1. The Right to Security — life, limb, health.
2. The Right to Liberty — freedom of the body, and freedom of movement, with the privilege of emigration or immigration.
3. The Right to Equality — protection against slavery, involuntary servitude, and imprisonment for debt; against discriminations on account of color or sex, and (in general) race; and against special or hereditary privileges. These are the Civil Rights, or rights of the citizen.
4. The Right to Reputation.
5. The Right to Bear Arms and to Organize the Militia.
6. The Right to Law.
 - a. Before Trial:
 - Justice shall be free;
 - The accused shall have the right to the common law;
 - No unreasonable search or seizure;
 - The right to the writ of habeas corpus shall not be denied;
 - The accused shall hear the accusation;
 - Trial shall be on indictment after investigation by a grand jury;
 - Witnesses shall be protected in their rights;
 - The accused shall be protected against "Lynch law."

b. During Trial:

The accused shall have "due process of law, law of the land, and judgment by his peers";

He shall have a trial by a jury of the vicinage; defined as to size, and the need for unanimity;

He shall have counsel;

He may summon witnesses;

No inquisitorial methods shall be used;

He shall not be put twice in jeopardy for one offense;

The crime of treason shall be defined;

There shall be no attainder.

c. After Trial:

No excessive fines, or cruel or unusual punishments;

No ex post facto law shall be passed;

Provision for pardoning is usually made;

There shall be no corruption of blood.

II. THE FREEDOMS — SOCIAL LIBERTY

1. Freedom of Conscience — especially religious liberty, including no state support or enforced individual support of an established church; and no religious tests for participation in the government.

2. Freedom of Speech and Assemblage, including petition.

3. Freedom of the Press — with legal provisions against tyrannical coercion by libel proceedings or for contempt of court.

(Most of these guarantees are found in the Federal Constitution; but a few occur in State constitutions.)

LEON WHIPPLE, *Our Ancient Liberties*
(H. W. Wilson Co., 1927.)

ORGANIZATIONS DEFENDING CIVIL LIBERTIES IN AMERICA

The American Civil Liberties Union, 31 Union Square West, New York City; Dr. Harry F. Ward, chairman; Rt. Rev. Edward L. Parsons, Dr. Mary E. Wooley and Dean Lloyd K. Garrison, vice-chairmen; B. W. Huebsch, treasurer; Roger N. Baldwin, director; Lucille B. Milner, secretary; Arthur Garfield Hays and Morris L. Ernst, counsel. National Committee:

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 COMMISSION ON INTERRACIAL COOPERATION, 703 Standard
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 COMMITTEE ON MILITARISM IN EDUCATION, 2929 Broadway
 N. Y. C.
 Edwin C. Johnson, Secretary.

- BOARD OF HOME MISSIONS OF THE PRESBYTERIAN CHURCH IN THE U. S. Department of Immigration.
(Consult: DIRECTORY OF ORGANIZATIONS IN FIELD OF PUBLIC ADMINISTRATION, Published by Public Administration Clearing House, 1926).
- FEDERAL COUNCIL OF CHURCHES OF CHRIST IN AMERICA, 105 East 22nd St., N. Y. C.
- FELLOWSHIP OF RECONCILIATION, 2929 Broadway, N. Y. C.
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- PUBLIC AFFAIRS INFORMATION SERVICE, Service of N. Y. Public Library, 42nd St. and Fifth Ave.
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THE CASE OF THE CIVIL LIBERTIES UNION

The red-baiters and other reactionary enemies of the progressive American people have conducted a lying and scurrilous campaign against the American Civil

Liberties Union to which the organization has rarely replied because its advocacy of free speech on all subjects frequently leads it to overlook slander and libel. When it believes that a particularly atrocious lie has been published, it sometimes appeals to the court.

In the June 1937 review of its year's work the Union reports as follows: "The *American Mercury*, now a spokesman for the Fascist viewpoint, published in December an article attacking the Civil Liberties Union under the subheading 'Liberalism a la Moscow,' by Harold Lord Varney, associate editor, formerly secretary of the Italian Historical Society, subsidized by Mussolini. Mr. Varney was personally decorated by the dictator. The article so libeled the Union that suit for \$50,000 was brought in the New York courts against the publisher and author. When the Union offered to submit to an impartial referee the examination of Mr. Varney's charges, provided the *Mercury* would publish its findings, the publisher refused."

Another kind of attack comes from so-called liberals and persons boasting objectivity and fairness, whose daily charge is that the Union defends persons of the Left, not the Right. The Union reply has always been that it defends those whose rights are violated and that the majority of victims belong to minority groups or parties or creeds, and therefore are usually listed as belonging to the Left.

The whole matter was aired recently when Walter Lippmann, who should have been one of the leading personalities in the Union, wrote about it as follows:

Thus, there is the Civil Liberties Union, one of the truly indispensable private organizations in America, with its long and noble record of persistent and courageous defense of forgotten individuals and of hated minorities. Yet somehow the Civil Liberties Union has neither the dignity nor the prestige nor the effectiveness which its principles deserve. And the reason, I feel sure, is that the Union almost never goes into action when the liberties of any one on the Right are attacked, though in fairness it should be recalled that the Union did most bravely defend some American Nazis a few years ago when they were being denied their legal prerogatives.

But the directors of the Union have missed one opportunity after another to prove that they really stand for the thing they profess to stand for, that they care for civil liberty as such, as a good thing in itself, and not merely because it is a convenience for communists, anarchists, socialists and labor organizers. When Senator Black was conducting his inquisition into the affairs of Mr. Hearst, the Civil Liberties Union should have been defending Mr. Hearst, however much he may hate the Union, however much the Union may hate Mr. Hearst. When the National Labor Relations Board recently began its amazing inquiry into the affairs of newspapers and periodicals, the Civil Liberties Union would have done well to manifest some concern.

For they would defend an agitator who took his orders from Moscow; why then should they be squeamish about defending a newspaperman who took his orders from a steel company? The Civil Liberties Union has never pretended that only noble characters must enjoy the rights of man. In fact the only practical reason for the Union's existence is to preserve the rights of men who may not be noble at all.

The reply, signed by Chairman Harry F. Ward, Director Roger N. Baldwin

and Counsel Arthur Garfield Hays, which Mr. Lippmann published on December 20, 1937, follows:

December 15, 1937

Dear Mr. Lippmann:

Your article published on December 11th, headed "Liberty and Its Many Champions" takes the Civil Liberties Union to task for partisanship in the defense of the principle of civil liberty.

You reflect the common view that the Union is a partisan of the left and that its work is largely confined to a defense of radicals. This is not the fact. The Union's work is created for it by those who violate the civil rights of one minority or another. Twenty years ago it was the I.W.W. whom the defenders of civil liberties were called upon mainly to protect, ten years ago it was the Communists, today it is the C.I.O. and the rights of labor around which the central issues revolve. Secondary issues are of course always involved — affecting, among others, Negroes, farm organizations and on occasion the liberties of the extreme right, the Ku-Klux Klan, the German American Nazis and others.

If the Civil Liberties Union seems to have weighted its defense of civil liberties on the side of labor and the left, it is (1) because they are the chief victims of attack, (2) because they are accustomed to appeal for outside help and (3) because they have few disinterested defenders.

The rights of conservative groups, which are of course rarely attacked, always find influential defenders. They practically never appeal to the Civil Liberties Union because they either are able to take care of themselves or find more powerful allies. We have gone out of our way on many occasions to volunteer defense of the rights of the Ku-Klux Klan to hold public meetings and to parade unmasked and for the right of German-American Nazis to assemble and parade. We have publicly defended the Hon. Hamilton Fish against radio censorship. We protested the Kansas censorship of Senator Wheeler's March of Time speech against the President's court proposals. We offered our services to the head of the American Legion when he was cut off the air on a radio station in Cincinnati last winter. Contrary to your comment, we entered a strong public protest with the Senate Committee headed by Senator Black when that committee issued blank subpoenas directed to the telegraph companies for all telegrams sent by numerous persons or organizations whether on public or private business. Our sharp criticism of the Senate Committee's procedure, well publicized, brought many protests, since it was considered to be a move in favor of Mr. Hearst. Similarly, our other interventions on behalf of opponents of civil liberties have always brought criticism from liberals and radicals.

On the current controversy over the alleged invasion of freedom of press by the NLRB, we have taken the position, after careful examination by attorneys of the record, that the Labor Board is quite within its rights in examining the uses by employers of publications intended to interfere with the right of collective bargaining. It is not freedom of the press that is involved but employer coercion disguised under freedom of the press.

We do not make out a case for a perfect record. We make out only a case for applying with all the non-partisan disinterestedness at our command the principles of the Bill of Rights as the issues arise.

It is a reflection on the spirit of the times that what ought to be considered a patriotic and conservative service is regarded as a defense of radicalism,

just because some of the more conspicuous cases involve the left. But it is the fashion among conservatives today the world over to characterize as Communist everything progressive, democratic and liberal. On that assumption it is not surprising that the Bill of Rights should be regarded as somewhat subversive.

We are disturbed to see you giving aid and comfort to such an interpretation by misrepresenting our attitude and record.

This statement was followed by Mr. Lippmann's *amende honorable*:

I am glad to publish this letter, for it seems to me to make it convincingly clear that the Union does in fact intend to do what I was criticizing it for not doing, and I hope that others will be as much reassured as I am by what Messrs. Ward, Hays and Baldwin have to say.

AMONG THE ORIGINAL (1934) SUBSIDIZERS OF THE AMERICAN LIBERTY LEAGUE WERE

George Monroe Moffett of Corn Products, Rufus Lenoir Patterson, 2nd, of American Machine & Foundry and Samuel Bayard Colgate of Colgate, Palmolive-Peet, each of whom advanced \$5,000; Archibald M. L. Du Pont, \$2,500; Hal Roach, the cinema man, \$2,500; William Lockhart Clayton, the cotton-broker, \$1,000; and Renee W. Baruch and Mrs. Clarence Mackay, \$100 each. But the 1935 list was even more revealing.

The Du Pont family not only contributed \$23,500 to the league but "lent" it \$114,000.

The Bankers Trust Company advanced \$20,000.

Among the other notable "5 and 10" men — \$5,000 cash and \$10,000 loan — were S. B. Colgate of Orange, New Jersey, vice-president of General Motors Corporation; John L. Pratt of New York City, capitalist; H. B. Rust of Pittsburgh, chairman of the board of the Koppers Coke & Gas Co., a Mellon company; and Alfred P. Sloan, Jr., chairman of the board of General Motors.

E. T. Weir of Pittsburgh, chairman of the board of National Steel, one of the men most hated by the workers in America, lent \$15,000.

Raskob lent \$10,000.

Among the others who helped on the work of "civil liberties" was Sewell Avery, president of United Gypsum; Colby Chester of General Foods; H. B. Earhart, director of Vacuum Oil; Frank C. Rand of International Shoe; Albert A. Strague of Strague, Warner and International Harvester; J. Howard Pew of Sun Oil; Howard Heinz of Pittsburgh; Rufus L. Patterson, president of American Machine & Foundry; the Phillips Petroleum Co., Joseph E. Widener of Philadelphia; R. M. Carpenter of Wilmington; Donaldson Brown of New York; W. L. Clayton of Houston; Charles C. Copeland of Wilmington.

Of equal importance with the financiers of the League are the founders who may or may not subsidize it, but who help direct it. They consist of that same Al Smith who started on the sidewalks of New York and ascended no ivory tower, but the Empire State Building and the directorship or trusteeship of many corporations (Postal Telegraph, New York Life, National Surety, Lawyers County Trust, the Knott Hotels); Nathan L. Miller, general counsel and di-

rector of the United States Steel Corporation; John W. Davis, attorney for the House of Morgan; Representative James W. Wadsworth, Jr.; and Irénée Du Pont. Among the members of the inner council is David A. Reed, former Republican Senator from Pennsylvania, who openly declared in the Senate that this country needs a Mussolini (*).

The president of the American Liberty League is Jouett Shouse. The secretary is W. H. Stayton. The treasurer until recently was Grayson M.-P. Murphy, of Wall Street and the Fascist-Wall Street conspiracy.

THE PROGRAM OF THE AMERICAN CIVIL LIBERTIES UNION FREEDOM OF OPINION

1. Opposition to *all forms of gag legislation* — federal, state or city — curtailing freedom of speech, press or assemblage; and particularly bills making criminal mere language or the display of flags and emblems, or restricting the right of minority parties to the ballot.

2. Campaign against the unprecedented array of laws and regulations restricting *freedom in education*, both in schools and colleges; and particularly against compulsory oaths of loyalty for teachers, compulsory patriotic rituals by children and compulsory military training.

3. *Changes in the immigration and deportation laws* to end all restrictions merely because of political opinions; to admit and protect genuine political refugees; and in citizenship proceedings to remove tests of aliens' views not imposed on citizens.

4. Aid in campaigns *for the release of political prisoners*, and against all prosecutions under sedition and criminal syndicalism laws.

5. Campaigns to *open up all areas or cities* where the rights to meet and organize are denied, and particularly to gain recognition for free speech by setting aside recognized public places for meetings.

RIGHTS OF LABOR

6. Continuous defense of *labor's rights* to organize, strike and picket and to bargain collectively without interference; opposition to legal recognition of company-controlled unions, to compulsory arbitration, and to martial law in strikes. Prosecution of vigilantes and other lawless elements attacking strikers' rights.

7. Defense of the *right of the unemployed* to organize, demonstrate and petition without interference or penalties; maintaining the right of relief workers to organize and protest without penalty.

8. Campaign for *state labor injunction laws* modeled on the federal law and those adopted by sixteen states.

CENSORSHIP

9. *Greater freedom of the air by radio* by setting aside time for public discussion free of station managers' control; by requiring equal facilities for all sides of controversial topics.

*Reported by correspondent Paul Y. Anderson, *Nation*, May 10, 1933

10. Change in bureaucratic *Post Office censorship* by requiring trial by jury for excluded matter, as now in effect in the Customs service concerning matter imported from abroad.

11. Opposition to any federal *censorship of motion pictures*; abolition of the censorship boards in six states, leaving sole control of movies to public opinion and in extreme cases, criminal prosecution; opposition on the same basis to censorship of books and plays.

RACIAL MINORITIES

12. Aid in campaign against *lynching* and in struggle for Negroes' civil rights.

13. Extension to all *American Indians* of their rights to self government and tribal ownership of land.

14. Civil forms of government for *American colonies* to replace naval rule, with control by natives over all essential services.

SELECTED BIBLIOGRAPHY ON CIVIL LIBERTIES IN THE UNITED STATES

Compiled by

CLARICE A. ROSENTHAL, M. MEEKER, M. OTTENBERG
and others

FOR THE AMERICAN CIVIL LIBERTIES UNION

Complete to July, 1937

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SELECTED BIBLIOGRAPHY ON CIVIL LIBERTIES IN THE UNITED STATES

EXPLANATORY NOTE

Increasing interest in the status and history of civil liberty has been shown by the many requests coming to the American Civil Liberties Union from writers, teachers, students, lawyers and others. To meet this need, this bibliography on civil liberties has been compiled. It deals with the basis of civil liberty, with infringements of it, and with efforts to maintain the rights of civil liberty. The bibliography includes books, a limited number of pamphlets, and some documents. Articles in periodicals have been omitted because they are too numerous; the Readers' Guide to Periodical Literature is a comprehensive source book for such references. Literature on prohibition, slavery, and the struggle for the right of woman suffrage, as well as books which attack a political creed, have been omitted as aside from the main purpose of the bibliography.

The references in the present bibliography are classified according to subject matter, under three main headings:

A. Historical development and philosophical concepts.

B. Legal protection; and legal and extra-legal restrictions.

C. Civil liberties in practice.

The various aspects of civil liberty are so closely related that it has been difficult to find subject headings which are mutually exclusive, and likewise to determine the most appropriate classification for some of the books.

When books cover more than one field they are classified under more than one heading and the reader is then referred to the "full listing" for details. In annotating books, only those portions which refer to civil liberties are noted.

For the benefit of readers desiring briefer references, a few of the most important books in each section are marked with a star. Pamphlets are marked "Pam." after the title, and material which is available only in mimeographed form is marked "mim."

The names and addresses of organizations able to give supplementary information are listed in the Appendix, and may also be used for addresses in ordering pamphlets listed in the bibliography. The addresses of publishers are readily obtainable at any library or book store.

SELECTED BIBLIOGRAPHY ON CIVIL LIBERTIES IN THE UNITED STATES

(Classified according to subject matter)

A. CIVIL LIBERTY — HISTORICAL AND PHILOSOPHICAL

*AMERICAN CIVIL LIBERTIES CASES (on file at N. Y. Public Library).

Bound volumes of classified data on all phases of civil liberty, compiled annually (since 1917) by the American Civil Liberties Union. Includes clippings, correspondence, several hundred briefs and pamphlets.

See also Section C 1 "Work of American Civil Liberties Union."

*AMERICAN LABOR YEARBOOKS, by Rand School of Social Science.

A summary of infringements of civil rights in U. S., issued annually 1916-1932. See yearbook 1921-22, Sec. I, p. 7-46; 1923-24, Chap. VII, p. 209-211; 1925, Chap. VII, p. 195-204; 1926, Chap. VII, p. 289-303; 1927,

Chap. VII, p. 154-158; 1928, Chap. VI, p. 175-195; 1929, Chap. IX; 1930, Chap. VII; 1931, Chap. VIII; 1932, Chap. VIII. (Also see Sections C 8 A, C 9, C 11.) (For later years see Labor Fact Books, listed below.)

CHARACTER AND OPINION IN THE UNITED STATES, by George Santayana. (Chas. Scribner's Sons, 1920. 233 pp.) Chap. VII, "English Liberty in America," Philosophic discussion of practical v. theoretical liberty.

CIVIL LIBERTY, Pam. (American Civil Liberties Union, 1935. 4 pp.) Position of the American Civil Liberties Union on current issues of civil liberty.

***CIVIL LIBERTY**, Vol. IV, No. 9, in "Reference Shelf" Series, compiled by Edith M. Phelps. (H. W. Wilson Co., 1927. 194 pp.)

Bibliographies and reprints of articles (affirmative and negative) on historical and legal aspects of freedom of expression, with special reference to arbitrary executive and police interference.

CIVIL AND RELIGIOUS LIBERTY, by Claude G. Bowers. (Holy Cross College, Worcester, Mass., 1930. 88 pp.) See "Jefferson and Religious Liberty," p. 1-31; Thomas Jefferson's contribution to the Bill of Rights.

CIVIL LIBERTY AND SELF GOVERNMENT, by Francis Lieber. (H. B. Lippincott & Co., 1874. 608 pp.) Scholarly discussion of concepts of liberty.

DECLINING LIBERTY AND OTHER PAPERS, by Rt. Rev. Monsignor John A. Ryan. (The Macmillan Co., 1927.)

Discusses civil, economic and political liberties in U. S. (See p. 1-126.)

DEMOCRACY IN AMERICA, by Alexis De Tocqueville, translated by Henry Reeve. (The Century Co., 1898. Vol. 1, 559 pp.; Vol. 2, 536 pp.)

See Vol. I, p. 324-358. Presents the danger of tyranny of the majority; Vol. II, p. 181-190 and p. 196 in re liberty of press.

DEMOCRACY AND LEADERSHIP, by Irving Babbitt. (Houghton Mifflin Co., 1924. 344 pp.) Liberty and justice in modern democracy with emphasis on the right and obligation to work. Bibliography.

ENCYCLOPAEDIA OF THE SOCIAL SCIENCES. (The Macmillan Co., 1930.) See "Civil Liberties," "Censorship," "Freedom of Speech," "Liberty."

THE ENEMIES OF LIBERTY, by Edmund S. P. Haynes. (Grant Richards Ltd., London, 1923. 192 pp.) Essays showing threats to civil liberty from the tyranny of groups, secret societies, etc.

THE EVOLUTION OF MODERN LIBERTY, by George L. Scherger. (Longmans, Green & Co., 1904. 268 pp.)

Shows gradual evolution of present conception of liberty.

FREE PRESS ANTHOLOGY, by Theodore Schroeder. (Free Speech League, Truth Seeker Publishing Co., 1909. 267 pp.)

Selected articles on free speech and press, and censorship, from 1644 to 1909.

FREEDOM IN THE MODERN WORLD, compiled by Horace M. Kallen. (Coward McCann, Inc., 1928. 304 pp.) Historical, philosophical aspects of freedom of thought and expression, by prominent authorities.

- FUTURE OF LIBERTY**, by George H. Soule. (The Macmillan Co., 1936. 187 pp.) A Marxist view of the theory and practices of political and economic liberty, and their probable development.
- GOVERNMENTAL RESTRICTION OF INDIVIDUAL LIBERTY**, in "University Debaters' Annual" Series, 1926. (H. W. Wilson Co.) Debate regarding the policy of extending government restriction of individual liberty. (p. 143-193.)
- HISTORY OF POLITICAL THEORIES IN RECENT TIMES**, edited by Charles E. Merriam and Harry E. Barnes. (The Macmillan Co., 1924. 597 pp.) Includes discussion of factors underlying philosophy of freedom under various types of governments.
- HOW WE GOT OUR LIBERTIES**, by Lucius B. Swift. (Bobbs-Merrill & Co., 1928. 304 pp.) History of the development of human rights and liberties in the U. S. and other governments.
- LABOR FACT BOOK**, by Labor Research Association, Inc. (Published periodically 1931 to date, by International Publishers. 222 pp. ea. vol.) The current status of labor, including anti-labor activities, red-baiting, and infringements of civil liberties in various fields. (For other listings, see B 2 c; B 3 d, and e; C 1; C 5 a; C 6 b; C 8 a; C 9; C 10 b. (For previous years, see "American Labor Yearbooks.")
- (THE) LIBERTIES OF AMERICA**, by H. W. Warner. (G. P. Putnam & Co., 1853. 280 pp.) Comparison of European and American civil liberties; discussions of habeas corpus, liberty of speech and the press.
- LIBERTY**, by Everett Dean Martin. (W. W. Norton & Co., 1930. 307 pp.) Historical survey of philosophical and psychological concepts of liberty.
- LIBERTY AND THE GREAT LIBERTARIANS**, compiled by Charles T. Sprading (Pub. by the author, Los Angeles, 1913. 540 pp.) Anthology of articles on liberty by thirty prominent libertarians.
- LIBERTY AND RESTRAINT**, by Louis LeFevre. (Alfred A. Knopf, 1926. 346 pp.) Examination of liberty under various civilizations and governments; emphasizing opportunities for its development under democracy and the machine age. Bibliography.
- LIBERTY AND THE MODERN STATE**, by Harold J. Laski. (Faber & Faber Ltd. London, 1930. 256 pp.) Philosophical discussion of individual liberty and its relation to state authority.
- LIBERTY AND TYRANNY**, by Francis W. Hirst. (Duckworth, 1935. 296 pp.) Evaluation of liberty and development of concept of freedom of expression.
- LIBERTY DOCUMENTS WITH CONTEMPORARY EXPOSITION AND CRITICAL COMMENTS**, compiled by Mabel Hill. (Longmans, Green & Co., 1901. 458 pp.) Traces evolution of civil liberty through study of original documents of English and American constitutional history.
- LIBERTY OF CITIZENSHIP**, by Samuel W. McCall. (Yale University Press, 1915. 128 pp.) Presents importance of preserving liberty of the individual as guaranteed by the U. S. government.

- LIBERTY TODAY, by C. E. M. Joad. (London-Watts & Co., 1934. 216 pp.)
General treatise on liberty, freedom of thought, speech and action.
- LIBERTY UNDER LAW AND ADMINISTRATION, by Homer Cummings.
(Chas. Scribner's Sons, 1934. 136 pp.)
Legal viewpoint of changing concepts of liberty.
- LIBERTY VS. EQUALITY, by William F. Russell. (The Macmillan Co.,
1936. 173 pp.) General analysis, and excerpts from speeches of famous men.
- LIFE OF JOHN WILKES, by Horace Bleackley. (The Bodley Head, N. Y.,
1917.) English precedent and background for government suppression of the
press, unreasonable searches and seizures, and denial of right to hold govern-
ment office. (p. 71-143.)
- NEW INTERNATIONAL ENCYCLOPAEDIA. (2nd Ed., Vol. IV, 1914, p.
766.) See "Censorship." Definition and brief history of censorship in U. S.
- ON LIBERTY, by John Stuart Mill. (Oxford University Press, first published
1859.) Classic-philosophical essay on freedom of thought and speech.
- *OUR ANCIENT LIBERTIES, by Leon Whipple. (H. W. Wilson Co., 1927.
149 pp.) Gives the meaning, ideals, origin and early development of civil lib-
erty in the U. S., and discusses the rights of individuals as guaranteed by the
Bill of Rights and Constitutional amendments.
- PLAIN TALK, by John W. Studebaker. (National Home Library Foundation
1936. 166 pp.) Discussion by U. S. Commissioner of Education on the ideals
of democracy. Chapter on public forums, importance of freedom of speech,
press and assemblage.
- A PROGRAM FOR MODERN AMERICA, by Harry W. Laidler. (Thomas
Y. Crowell Co., 1936. 498 pp.) Proposed program would result in increased
liberty of thought and action. Comprehensive chapter on civil liberties.
- REBEL AMERICA, by Lillian Symes and Travers Clement. (Harper & Bros.,
1934. 392 pp.) History of revolutionary thought and activity in U. S. from
1820 to 1930, including discussion of denial of civil liberties.
- (THE) RECONCILIATION OF GOVERNMENT WITH LIBERTY, by
John W. Burgess. (Chas. Scribner's Sons. 1915. 394 pp.) Study of the develop-
ment of the state, with special emphasis on growth of civil liberties.
- RISE OF AMERICAN CIVILIZATION, by Chas. A. and Mary R. Beard.
(The Macmillan Co., 1927. Vol. I, 824 pp.; Vol. II, 828 pp.) States evolution
of civil liberty. See index "Civil Liberty" and "Alien and Sedition Laws."
- (THE) STATE AND OUR CIVIL LIBERTIES. Pam. by Hilaire Belloc,
Hendrik Van Loon and John Haynes Holmes. (American Book Co., 1937.
30 pp.) A discussion broadcast on the rôle of the government in maintaining
civil liberty in peace and war time.
- *STORY OF CIVIL LIBERTY IN THE UNITED STATES, by Leon
Whipple. (Vanguard Press. Published under auspices of American Civil
Liberties Union, 1927. 366 pp.) Comprehensive history showing the attitude
toward civil rights in peace and war periods, and types of liberty abridged.
Cases from 1776-1917, with detailed index and bibliography.

- *THIS LAND OF LIBERTY, by Ernest Sutherland Bates. (Harper & Bros., 1930. 383 pp.) Brief survey of development of civil liberty in U. S., with emphasis on contemporary threats to liberty.
- THOREAU: PHILOSOPHER OF FREEDOM, by James MacKaye. (Vanguard Press, 1930. 288 pp.) Compilation of writings by Thoreau on liberty.
- (THE) VOICE OF FREEDOM, compiled by Henry Wood Nevinson. (E. P. Dutton & Co., 1929. 304 pp.) Anthology of selected articles on liberty.
- WHY FREEDOM MATTERS, by Norman Angell. (National Council for Civil Liberties, London, 1916. 60 pp.) Presents the danger of emergency statutes adopted in war time becoming permanent peace-time legislation.
- Note:* See also Section C 1 for history of abridgment of civil rights.

*B. CIVIL LIBERTY—LEGAL PROTECTION; AND LEGAL
AND EXTRA-LEGAL RESTRICTIONS*

I. CONSTITUTIONAL GUARANTEES AND COURT INTERPRETATIONS

- AMERICAN CONSTITUTION, by Frederick J. Stimson. (Chas. Scribner's Sons, 1923. 232 pp.) Presentation of rights guaranteed to individuals by Federal and State Constitutions, and local ordinances. Explanatory maps.
- BUSINESS OF THE SUPREME COURTS, by Felix Frankfurter and James M. Landis. (The Macmillan Co., 1928. 349 pp.)
Includes discussion of Supreme Court cases involving civil liberties.
- CONSTITUTIONAL FREE SPEECH DEFINED AND DEFENDED, by Theodore A. Schroeder. (Free Speech League, N. Y., 1919. 456 pp.)
Arguments for free speech and press as guaranteed by the Constitution, with special reference to blasphemy cases.
- DISSENTING OPINIONS OF MR. JUSTICE HOLMES, edited by Alfred Lief. (Vanguard Press, 1929. 312 pp.) Includes cases dealing with infringement of civil liberties, e.g., Eugene Debs, free press, and sedition cases.
- ENCYCLOPAEDIA BRITANNICA, 14th Ed. (The Macmillan Co., 1930.)
See "Habeas Corpus" and "Trial by Jury."
- ENCYCLOPAEDIA OF THE SOCIAL SCIENCES. (The Macmillan Co., 1930.) See "Assembly, Right of," "Freedom of Association," "Labor Legislation."
- FREE SPEECH FOR RADICALS, by Theodore A. Schroeder. (Free Speech League, N. Y., 1916. 206 pp.)
Analysis of the struggle for free speech under guarantees of the Federal Constitution.
- GOVERNMENT BY JUDICIARY, by Louis Boudin. (Wm. Goodwin, Inc., 1932. Vol. I, 582 pp.; Vol. II, 580 pp.) Includes analysis of certain federal court cases showing their significance in the struggle for civil rights.
- LOSING LIBERTY JUDICIALLY, by Thomas James Norton. (The Macmillan Co., 1928. 252 pp.) Attitude of government authorities toward civil liberty. Supreme Court cases included.

- METHODS OF CONSTITUTIONAL CONSTRUCTION.** Pam. by Theodore Schroeder. (Free Speech League. 106 pp.)
The author's "synthetic method" of constitutional construction as applied to the free speech clause of the Constitution.
- MILLIGAN CASE,** by Samuel Klaus. (Samuel A. Knopf, 1929. 470 pp.)
U. S. Supreme Court case establishing the power of courts over courts-martial.
- ORIGIN AND GROWTH OF AMERICAN CONSTITUTION,** by Hannis Taylor. (Houghton Mifflin Co., 1911. 676 pp.) Historical treatise on the Constitution. See Chap. VIII for first twelve amendments; and p. 230 for decision of Supreme Court giving Congress power to censor mails.
- ***OUR ANCIENT LIBERTIES,** by Leon Whipple. Detailed restatement of the rights guaranteed by both State and Federal Constitutions, and their English and American origins. p. 13. (For full listing see Section A.)
- POLICE POWER,** by Ernst Freund. (Callaghan & Co., Chicago, Ill., 1904.)
See Chap. XXI, XXII, XXIII. (p. 471-539.)
- THE SOCIAL AND ECONOMIC VIEWS OF MR. JUSTICE BRANDEIS,** by Alfred Lief. (Vanguard Press, 1930.) Chap. IV, Guarantees of Freedom, p. 209-274. Opinions of Justice Brandeis on cases involving civil liberties.
- ***SUPREME COURT AND CIVIL LIBERTIES,** Pam. by Osmond Fraenkel. (American Civil Liberties Union, 1937. 47 pp.)
Study of the decisions of the Supreme Court in cases involving civil liberty.
- SUPREME COURT AND CIVIL RIGHTS,** Pam. by Louis Boudin. (American Civil Liberties Union and International Labor Defense, 1937. 36 pp.)
Discusses infringement of rights guaranteed by the Constitution; Supreme Court decisions on test cases. Indicates need for curbing power of the court.
- ***TREATISE ON THE CONSTITUTIONAL LIMITATIONS,** by Thomas M. Cooley. (Little, Brown & Co., 7th Ed., 1903. 1036 pp.)
Analysis of constitutional limitations upon legislative power of the states and discussion of constitutional guarantees to personal liberty; e.g., trial by jury, right to counsel, writ of habeas corpus, right of discussion and petition, etc.

2. LEGAL RESTRICTIONS

a. General

- CIVIL LIBERTY.** Vol. IV, No. 9, in "Reference Shelf" Series, compiled by Edith M. Phelps. Includes reprints of articles, affirmative and negative, on legal aspects of freedom of expression. (For full listing see Section A.)
- ***CURBING THE COURTS.** Pam. (International Juridical Assn., 1937.)
Tendency of the courts to override public opinion; specific remedies.
- ENCYCLOPAEDIA BRITANNICA,** 14th Ed. (The Macmillan Co., 1930.)
See "United States Postal Service" and "Censorship, U. S. Postal"; "Birth Control," "Conscription," "Sedition."
- ENCYCLOPAEDIA OF THE SOCIAL SCIENCES.** (The Macmillan Co., 1930.) See "Alien and Sedition Acts," "Birth Control."
Gives laws against dissemination of contraceptive information.

- *FREEDOM OF SPEECH**, by Zechariah Chafec, Jr. (Harcourt, Brace & Co., 1920. 431 pp.) An inquiry into legal limitations upon freedom of speech; with analyses of peace and war-time statutes, and of legislation against sedition and anarchy. Chapters on deportation of radicals, unreasonable searches and seizures, and academic freedom. Appendices include Espionage Act text and cases, and texts of statutes affecting freedom of speech.
- *THE INQUIRING MIND**, by Zechariah Chafec, Jr. (Harcourt, Brace & Co., 1928. 276 pp.) A book for the layman on constitutional problems affecting freedom of speech. U. S. Supreme Court decisions included.
- THE RIGHT OF ASSEMBLY**, by William G. Fennell. (American Civil Liberties Union, 1935. 27 pp. Mim.) Study of the law with suggested remedies.
- STATE LAWS AFFECTING CIVIL LIBERTIES**. (American Civil Liberties Union, 1936.) Five U. S. maps showing state laws limiting the rights of radicals, Negroes, labor and teachers.
- *STORY OF CIVIL LIBERTY IN THE UNITED STATES**, by Leon Whipple. Legislation restricting civil liberties; such as alien, sedition and naturalization acts, obscenity, postal censorship statutes, laws against blasphemy, anarchists, and freedom of assemblage. (For full listing see Section A.)
- U. S. NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT**. George Wickersham, Chairman. (Gov. Printing Office, Washington, 1930-1931.)
- Report No. 4 (337 pp.) Report on prosecution.
- 5 (179 pp.) Report on enforcement of deportation laws in U. S. by Reuben Oppenheimer.
- 7 (123 pp.) Progress report on study of the federal courts.
- 8 (51 pp.) Report on criminal procedure.
- 10 (416 pp.) Report on crime and foreign born.
- 11 (347 pp.) Report on lawlessness in law enforcement.
- 13 (140 pp.) Report on police.

b. Seditio

- BEAT THE "INCITEMENT TO DISAFFECTION BILL."** Pam. (American Civil Liberties Union, 1935. 23 pp.) Text and congressional discussion of bill. Not passed. (See "Military Disaffection Bill" listed below.)
- BEAT THE KRAMER SEDITION BILL**. Pam. (American Civil Liberties Union, 1935. 24 pp.) Text and comments on proposed bill, making it a crime to advocate overthrow of the U. S. Govt. (Not passed.)
- DO WE NEED MORE SEDITION LAWS?** Pam. by Alfred Bettman and Swinburne Hale. (American Civil Liberties Union, 1920. 22 pp.)
Testimony before the House Committee on Rules.
- ESPIONAGE ACT CASES**, Pam. compiled by Walter Nelles. (National Civil Liberties Bureau, 1918. 100 pp.) Federal court opinions and charges to the juries in prosecutions under the Espionage Act.
- FREEDOM OF SPEECH**, Vol. X, No. 8, in "Reference Shelf" Series, compiled by Julia E. Johnsen. Negative and affirmative arguments on Military Disaffection Bill. Bibliography. (For full listing see C 1.)

FREEDOM OF SPEECH IN ILLINOIS IN 1935, Pam. by Senator James O. Monroe. (American Civil Liberties Union. 40 pp.)

Senate address for repeal of the Illinois Sedition Act.

MILITARY DISAFFECTION BILL (H. R. 5845). (Gov. Printing Office, Washington, 1935. 27 pp.) U. S. House of Representatives, 74th Congress, 1st Session, Report No. 1603.

Minority and majority reports on proposed bill. Not passed.

*SEDITION, CRIMINAL SYNDICALISM, AND CRIMINAL ANARCHY LAWS, by James Lipzig. (American Civil Liberties Union, 1937. 100 pp. Mim.) Gives infringements covered in the above laws and resultant penalties. Cases and arguments against sedition laws included.

*SEDITION, SYNDICALISM, SABOTAGE & ANARCHY. (Gov. Printing Office, Washington, 1919.) U. S. Judiciary Committee (House of Representatives) Hearings 66th Congress, 2nd Session, on H. R. 10210, 10235, 10379, 10614, 10616, 10650, 11089. Discussion on bills to prevent and punish the advocacy of the overthrow of the government.

SURVEY OF THE WORKINGS OF THE CRIMINAL SYNDICALISM LAW OF CALIFORNIA, Pam. by George Kirchwey. (Los Angeles: California Committee, American Civil Liberties Union, 1926. 47 pp.)

Text of the law, together with its policy, scope, operation and administration.

c. Labor

AMERICAN ENCYCLOPAEDIA OF LAW. (Edward Thompson Co., Northport, L. I., 1900.) See "Injunction and Labor Combines," p. 337-369. Gives definitions, and court procedure in granting injunctions. Discusses power of federal courts in overriding state court injunctions.

CASES ON LABOR LAW, by James M. Landis. (Foundation Press, Chicago, 1934. 694 pp.) An annotated compilation of decisions bearing on labor contracts, and the "legal treatment accorded to the right of combination by employers and employees and its exercise."

*CASES ON LABOR LAW, by Francis B. Sayre. (Harvard University Press, 1923. 1044 pp.) Detailed study of labor laws and decisions establishing legal basis of rights of labor. Shows efforts of capital and labor to influence judicial and legislative bodies.

INJUNCTIONS AND ORGANIZED LABOR, by Charles Allen. (Dando Printing and Publishing Co., Philadelphia, 1894.) Analysis and history of the injunction and labor combine; illustrative cases. (p. 299-339.)

INTERNATIONAL JURIDICAL ASSOCIATION, INDEX OF, 1936.

References on analytical and interpretative data, in re decisions and statutes of labor law and civil rights. (Five-year compilation.)

JURY TRIALS ON CHARGES OF VIOLATING INJUNCTIONS. Pam. (American Civil Liberties Union, 1935. 16 pp.) Arguments for the constitutionality of a Pennsylvania statute, upholding the right to such trials.

LABOR FACT BOOK, by Labor Research Association, Inc. (Published periodically, 1931 to date.)

See Vol. I, p. 143-170 — Court labor decisions and injunction cases.
 Vol. II, p. 49 — Violations of civil liberty of workers under N.R.A.
 Vol. III, p. 155-157 — Federal and state anti-labor legislation.
 (For full listing see Section A.)

***THE LABOR INJUNCTION**, by Felix Frankfurter and Nathan Greene. (The Macmillan Co., 1930. 343 pp.)

Cases reviewed, rights of labor discussed and remedies proposed.

LABOR INJUNCTION — AN EXPOSITION OF GOVERNMENT BY JUDICIAL CONSCIENCE, AND ITS MENACE, by John P. Frey. (Equity Publishing Co., 1922. 197 pp.) Shows danger of absolute judicial power in injunction cases, and use of this power as a weapon against labor.

LAW OF ORGANIZED LABOR AND INDUSTRIAL CONFLICTS, by Edwin Stacey Oakes. (Lawyers' Cooperative Pub. Co., 1927. 1333 pp.)

Legal opinions in cases involving labor conflicts.

USE OF MILITARY FORCE IN DOMESTIC DISTURBANCES, Pam. by Herbert L. Abrons. (American Civil Liberties Union, 1936. 16 pp.) Analysis of legal theories and cases involving use of troops and martial law in strikes.

d. Communication

LAW OF RADIO COMMUNICATION, by Stephen Davis.

Text of Radio Act of 1927. (For full listing see Section C 3.)

(FEDERAL) MOTION PICTURE COMMISSION. (Gov. Printing Office, Washington, 1934. 76 pp.)

Hearing before the Committee on Interstate and Foreign Commerce, House of Representatives, 73rd Congress, 2nd Session, on H. R. 6097.

Hearing on proposed bill (not passed) to censor motion pictures through interstate commerce regulation. Discussion of state and municipal regulations.

POST OFFICE CENSOR. Pam. (National Council on Freedom from Censorship, 1936. 15 pp.) Arbitrary censorship powers of the Postmaster General and types of matter excluded from the mails.

PUBLIC RELATIONS OF MOTION PICTURE INDUSTRY. State and municipal regulations pertaining to motion pictures. (Full listing C 4.)

RADIO LAWS OF THE U. S., by Elmer Lewis. (Gov. Printing Office, Washington, 1936. 64 pp.) Radio censorship laws and regulations prior to 1936 with text and theoretical cases.

RADIO SERVICE BULLETIN. U. S. Dept. of Commerce — Radio Division. (Gov. Printing Office, Washington. Issued monthly.)

Contains amendments to and changes in radio laws and regulations.

e. The Press

LAW OF THE PRESS, by William G. Hale. (West Publishing Co., 1923. 500 pp.) Legislation restricting freedom of the press. Illustrative cases included.

***OBSCENE LITERATURE AND CONSTITUTIONAL LAW**, by Theodore Schroeder. (Privately printed, 1911. 424 pp.) Shows how the obscenity laws are a denial of the constitutional guarantee of freedom of the press.

- ORDINANCES RESTRICTING LEAFLET DISTRIBUTION. Pam. (American Civil Liberties Union, 1937. 12 pp.) Reprint from International Juridical Association Bulletin, giving analysis of laws and court decisions.
- OLD BATTLE RENEWED FOR FREEDOM OF PRESS, by Wilmer Atkinson. (Wilmer Atkinson Co., 1907. 55 pp.)
Restrictions imposed by postal laws on the freedom of the press.
- PRESS LAWS OF FOREIGN COUNTRIES, edited by Shearman, Montagne and Raynor. (His Majesty's Print Office, Great Britain, 1926. 328 pp.)
Gives laws of various countries on press regulation.
- *RIGHTS AND PRIVILEGES OF THE PRESS, by Frederick Seaton Siebert. (D. Appleton-Century Company, 1934. 420 pp.) Analysis of the law in relation to the right to gather, publish and comment on the news.

f. Academic Freedom

- BUREAU OF PUBLICATION, DEPT. OF INTERIOR, WASHINGTON, D. C. Bulletins covering all state laws relating to education. Restrictions on academic freedom included.
- COMPULSORY FLAG SALUTE IN SCHOOLS, by William Fennell. (American Civil Liberties Union, 1937. 20 pp. Mim.)
Survey of the statutes and examination of their constitutionality.
- THE GAG ON TEACHING, by American Civil Liberties Union.
Includes legislative restrictions enacted since 1921 on teaching in the public schools. (For full listing see Section C 5 a.)
- OATHS OF LOYALTY FOR TEACHERS. Pam. by Henry R. Linville.
Reviews statutes requiring loyalty oath. (For full listing see Section C 5 f.)
- PUBLIC OPINION AND THE TEACHING OF HISTORY IN THE U. S., by Bessie L. Pierce. Includes statutory regulations affecting the teaching of history from colonial days to 1926. (For full listing see Section C 5 b.)

g. Birth Control

- BIRTH CONTROL — U. S. JUDICIARY COMMITTEE (SENATE). (Gov. Printing Office, Washington.) Hearings before a subcommittee on the Judiciary, 72nd Congress, 1st Session, on S. 4436, 1932, 151 pp.; also 73rd Congress 2nd Session on S. 1842, 1934. 175 pp. Discussion on bills to amend Tariff Act and Criminal Code so that they shall not apply to information on birth control or to any articles for use by medical persons.
- BIRTH CONTROL LAWS, by Mary Ware Dennett. (Grafton Press, 1926.)
Comprehensive study of infringement of civil liberty, through the prevention of the dissemination of birth control information. Federal and State laws.
- EUGENICAL STERILIZATION IN U. S., edited by Harry Laughlin. (Reports of Psychopathic Laboratory of Municipal Court of Chicago, 1922. 500 pp.)
Study of sterilization laws in U. S., listing states in which sterilization is used as a punitive measure.

h. Religion

CONSTITUTIONAL FREE SPEECH DEFINED AND DEFENDED, by Theodore A. Schroeder. Review of prosecutions for offenses against religion in England and U. S., 1600-1817. Includes discussion of origin and constitutionality of the blasphemy laws. (For full listing see Section B 1.)

LEGAL DISCRIMINATIONS AGAINST RELIGIOUS DISBELIEVERS. (American Civil Liberties Union. 1935. 10 pp. Mim.)

Survey of state laws affecting the testimony of atheists.

LEGAL STATUS OF CHURCH-STATE RELATIONSHIP IN THE UNITED STATES, by Alvin W. Johnson. (University of Minnesota Press, 1934. 332 pp.) Laws and court decisions affecting teaching of religion in public schools; also study of Sunday legislation.

i. Aliens and Racial Minorities

EXCLUSION OF IMMIGRATION FROM PHILIPPINE ISLANDS. (Gov. Printing Office, 1930. 300 pp.) Hearings before House Com. on Immigration and Naturalization, 71st Congress, 2nd Session, on H. R. 8708.

IMMIGRATION AND ALIENS IN THE U. S., by Max J. Kohler. (Bloch Publishing Co., 1936. 437 pp.)

Includes laws governing immigration to U. S. and alien residents in the U. S.; and discussion of right of asylum. (Part I, Chap. 5; Part II, Chap. 2.)

IMMIGRATION RESTRICTION, by Roy L. Garis. (The Macmillan Co., 1928. 376 pp.) Study of the opposition to and regulation of immigration (including Chinese and Japanese) into the U. S.

JAPANESE IN THE U. S., by Yamato Ichihashi. (Stanford Univ. Press, 1932.) Discriminatory laws of California.

THE LAW AFFECTING JAPANESE RESIDING IN THE STATE OF CALIFORNIA, comp. by Albert H. Elliott and Guy C. Calden. (San Francisco, 1929.)

ORIENTAL EXCLUSION, by Roderick D. McKenzie. (New Chicago Press, 1928.) Effect of American immigration laws, regulations and judicial decisions upon Chinese and Japanese in U. S.

RACE DISTINCTION IN AMERICAN LAW, by G. T. Stephenson. (D. Appleton & Co., 1910. 362 pp.) History of legal and social discrimination against Negro and oriental races. Laws and court decisions cited.

RESIDENT ORIENTALS ON THE AMERICAN PACIFIC COAST, by Elliott G. Mears. (University of Chicago Press, 1927. 535 pp.) Operation and effect of the laws and regulations pertaining to Chinese and Japanese.

RETURN TO PHILIPPINE ISLANDS, UNEMPLOYED FILIPINOS. (Gov. Printing Office, Washington, 1933. 51 pp.) Hearings before Com. on Immigration and Naturalization, 72nd Cong., II session.)

RESTRICTION OF IMMIGRATION, by Richard M. Boeckel. (Vol. IV of Editorial Research Report, Washington, 1930.) Includes data on Chinese and Japanese exclusion, with proposals for change in immigration laws.

THE RUSSIAN IMMIGRANT, by Jerome Davis. (The Macmillan Co., 1922. 209 pp.) Restrictions on aliens by state and federal legislation (p. 144-156) and discriminatory acts of police and courts against Russian immigrants after the World War.

SHOULD CONGRESS ENACT SPECIAL LAWS AFFECTING THE JAPANESE?, by Sidney L. Gulick. (National Committee of American Japanese Relations, 1922.) A critical examination of the hearings before the Committee of Naturalization, 1920.

3. EXTRA-LEGAL RESTRICTIONS

a. General

ENCYCLOPAEDIA OF THE SOCIAL SCIENCES. (The Macmillan Co., 1930.) See "Blacklists," "Ku Klux Klan."

*STORY OF CIVIL LIBERTY IN THE UNITED STATES, by Leon Whipple. Data on lynching, race rioting, K. K. K. activities, illegal arrests and detention, cruel and unusual punishments. (For full listing see A.)

b. Official Lawlessness

BLUE COATS AND REDS. Pam. by McAllister Coleman. (American Civil Liberties Union, 1929. 17 pp.)

Analysis of attitude of U. S. police toward free speech and assemblage.

CIVIL LIBERTY. Vol. IV, No. 9, in "Reference Shelf" Series, compiled by Edith M. Phelps. Includes data on arbitrary executive and police interference with civil liberty. (For full listing see Section A.)

FREEDOM OF SPEECH, by Zechariah Chafee, Jr.

Includes discussion of John Wilkes and the raids of 1763; the Lusk Committee and the raids of 1919. (For full listing see Section B 2 a.)

LAWLESS JUDGES, by Louis P. Goldberg and Eleanore Levinson. (Rand School Press, 1935. 303 pp.) Case study of lawlessness on the bench, indicating its effect upon the liberties of the people.

THE MILITIA. Pam. by Walter Wilson. (Tomorrow Publishers, N. Y., 1935. 32 pp.) Development of the militia system and present use of the National Guard in industrial disputes.

*OUR LAWLESS POLICE, by Ernest Jerome Hopkins. (Viking Press, 1931. 379 pp.) Usurpation by police of law enforcement functions of the courts. Instances of false arrest, unlawful detention, third degree, and police perjury.

SHAME OF PENNSYLVANIA. Pam. (American Civil Liberties Union, 1928. 21 pp.) Police violence in war on strikers and radicals.

SO THIS IS FREE SPEECH! Pam. (American Civil Liberties Union, 1935. 16 pp.) News pictures taken 1933-1934 in labor and farm strikes, showing violent attacks by police and troops.

THE THIRD DEGREE, by Emanuel H. Lavine. (Vanguard Press, 1930. 248 pp.) Exposé of police brutality written by a police reporter.

THROTTLED — THE DETECTION OF THE GERMAN ANARCHIST BOMB PLOTTERS IN THE U. S., by Paul Merrick Hollister. (Small, Maynard & Co., Boston, 1919. 277 pp.) Methods used by police against bomb plotters, reported by an inspector of N. Y. police force.

TO THE AMERICAN PEOPLE — REPORT UPON THE ILLEGAL PRACTICES OF THE U. S. DEPARTMENT OF JUSTICE. Pam. by Brown, Chafee, Frankfurter, Freund, Hale, Cane, Niles, Pound, etc. (National Popular Government League, 1920. 67 pp.)

TRIAL BY PREJUDICE, by Arthur Garfield Hays.

Includes instances of official lawlessness. (For full listing see Section C 1.)

***U. S. NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT.** Report of George Wickersham, Chairman. (Gov. Printing Office, Washington, 1930-1931.)

Vol. XI (347 pp.). Report on lawlessness in law enforcement.

Vol. XIV (140 pp.). Report on police.

c. Mob Violence

THE BLACK LEGION RIDES, Pam. by George Morris. (Workers Library Publishers, 1936. 48 pp.) Terrorist activities of secret organization of midwest.

CHALLENGE OF THE KLAN, by Stanley Frost. (Bobbs Merrill Co., 1923. 258 pp.) Organization and activities of the Ku Klux Klan.

KU KLUX KLAN. Vol. I, No. 10, in "Reference Shelf" Series, by Julia E. Johnson. (H. W. Wilson Co., 1923. 105 pp.)

A debater's handbook with reprints from selected articles. Bibliography.

THE KU KLUX KLAN, by John M. Moffat. (Harcourt, Brace & Co., 1924. 244 pp.)

History of the Klan and its activities.

LYNCHING AND THE LAW, by J. H. Chadburn. (University of North Carolina Press, 1933. 222 pp.) Study of existing state legislation against lynching.

NIGHT RIDERS IN SUNNY FLORIDA. Pam. by Jack Jameson. (Workers Publishers. 24 pp.)

TAMPA — TAR AND TERROR. Pam. (Committee for the Defense of Civil Rights in Tampa. 15 pp.) Kidnapping and murder of Joseph Shoemaker, labor organizer, by the Tampa police and the K.K.K.

d. Lynching

CAN THE STATES STOP LYNCHING? Pam. (National Association for the Advancement of Colored People, 1937. 19 pp.)

Analysis of failure of state laws against lynching.

ENCYCLOPAEDIA BRITANNICA, 14th Ed. (The Macmillan Co., 1930.)

See "Lynch Law."

LABOR FACT BOOK, by Labor Research Association, Inc. (Published periodically 1931 to date.) See Vol. I, p. 167, for Negro lynchings, Vol. II, p. 139, Vol. III, p. 171. (For full listing see Section A.)

- LYNCHING. Pam. by H. Haywood and M. Howard. (International Pamphlets, 1932. 15 pp.) Author decries mob action.
- LYNCHINGS AND WHAT THEY MEAN. Pam. (Southern Committee on Study of Lynching, Atlanta, Ga., 1931.) Case studies of 20 lynchings occurring in 1930.
- THIRTY YEARS OF LYNCHING IN THE U. S. Pam. (National Assn. for the Advancement of Colored People, 1919. 29 pp.) Covers the period 1889-1918.
- *THE TRAGEDY OF LYNCHING, by Arthur F. Raper. (University of North Carolina Press, 1933. 499 pp.) Historical trends and environmental and psychological factors in lynching; illustrated by case studies.
- Note:* See also Section C 8 e for industrial espionage and Section C 8 f for labor violence.

C. CIVIL LIBERTIES IN PRACTICE

Note: Freedom of thought and communication, including free speech, underlies most of the rights inherent in civil liberty, and accordingly references thereto will be found not only under Section 1, but under all subheadings of this section. The right of free assemblage is frequently involved in other infringements, and therefore is not listed separately.

I. FREEDOM OF COMMUNICATION (GENERAL ASPECTS)

- *AMERICAN LABOR YEARBOOKS, 1916-1932, by Labor Research Dept. of Rand School of Social Science. (Rand School Press.) Summary of infringements of civil rights in U. S. issued annually. (For full listing see Section A.) (For subsequent years, see Labor Fact Books listed below.)
- AMERICANISM; WHAT IS IT?, by Cyrus LeRoy Baldrige. (Farrar & Rinehart Inc., 1936, 18 pp.) Defense of freedom of speech, worship and education, prepared by Americanism Committee of N. Y. County, Amer. Legion.
- BIBLIOGRAPHY ON CENSORSHIP AND PROPAGANDA, by Kimball Young and Raymond D. Lawrence (Vol. I, No. 1. University of Oregon Publications, Journalism Series, 1928, p. 1-102.) Annotated source book.
- CENSORSHIP. In "University Debaters' Annual" Series 1929-1930, ed. by Edith M. Phelps. (H. W. Wilson Co., 1930. 471 pp.)
Intercollegiate debate on censorship. Bibliography. (p. 287-326.)
- THE CENSORSHIP IN BOSTON. Pam. by Zechariah Chafee. (Civil Liberties Committee of Massachusetts, 6 Byron St., Boston, 1929. 22 pp.)
Suppression of free speech and assemblage in Boston. List of banned books.
- CHARTS (DISTRIBUTED BY INTERNATIONAL LABOR DEFENSE).
Pictorial statistics showing number of political prisoners, lynchings, deportations, arrests and deaths in labor struggles.
Chart I — "Civil Liberties Today" — period 1932-1935. Chart II — "Violation of Workers' Civil Rights in U. S. A." — period 1935-1936.
- FIGHT FOR CIVIL LIBERTY. Pam. (1927-1928, 71 pp.; 1930-1931, 40 pp.)
Included in "Work of American Civil Liberties Union" listed below.

FREE SPEECH. Pam. (1924, 47 pp.; and 1925).

Included in "Work of American Civil Liberties Union" listed below.

***FREEDOM OF COMMUNICATION** filed under "PUBLICATIONS OF THE AMERICAN SOCIOLOGICAL SOCIETY." Vol. IX, Papers and Proceedings. (University of Chicago Press, 1914. 202 pp.) Compilation of speeches on freedom of speech and assemblage, freedom of the press, freedom of teaching in U. S. and reasonable restrictions in these fields.

***FREEDOM OF SPEECH** — Vol. X, No. 8, in "Reference Shelf" Series, compiled by Julia E. Johnsen. (H. W. Wilson Co., 1936. 317 pp.) Reprints and bibliographies (affirmative and negative) on free speech, academic freedom, teachers oaths, censorship of radio, military disaffection bills.

FREEDOM OF SPEECH, in "UNIVERSITY DEBATERS' ANNUAL" Series, 1928-1929, ed. by Edith M. Phelps. (H. W. Wilson Co.)

Arguments for and against unrestricted freedom of speech. (p. 231-279).

INTERNATIONAL COMMUNICATION, by Keith Clark. (Columbia University Press, 1931. 253 pp.) American policy in the international regulation of post, telegraph, cable and radio.

INTERNATIONAL JURIDICAL ASSOCIATION MONTHLY BULLETIN. (Pub. by International Juridical Assn.)

Current civil liberty infringements in various fields, and defense thereof (heavily documented; index available.)

INTERNATIONAL LABOR DEFENSE — LEGISLATIVE BULLETIN 1936 SESSION by N. Y. State legal staff of I.L.D. (Mim. 5 pp.)

LABOR FACT BOOK, by Labor Research Association, Inc. Published periodically, 1931 to date. Gives current status of civil liberty infringements. (For full listing see Section A.) (For years 1916-1932 see American Labor Year-books.)

LAND OF THE FREE. Pam. 1935.

Included in "Work of American Civil Liberties Union" listed below.

LAND OF PILGRIMS PRIDE. Pam. 1933.

Included in "Work of American Civil Liberties Union" listed below.

***LET FREEDOM RING**, by Arthur Garfield Hays. (Boni & Liveright, 1928. 341 pp.) Significant cases representing infringements of individual liberty.

LIBERTY UNDER THE NEW DEAL. Pam. 1934.

Included in "Work of American Civil Liberties Union" listed below.

MY FIGHT FOR BIRTH CONTROL, by Margaret Sanger. (Farrar and Rinehart, 1937. 360 pp.) Autobiographical sketch showing author's struggle for the right to disseminate birth control information.

OLD FASHIONED FREE SPEECH. Pam. (American Civil Liberties Union, 1936. 16 pp.) Attitude of American statesmen and publicists on free speech.

PROPAGANDA AND PROMOTIONAL ACTIVITIES, by Harold D. Lasswell, Ralph D. Case and Bruce Lannes Smith, 1935; p. 373-401, Part VII. (University of Minn. Press, Minneapolis.)

Classified list of American and foreign books, pamphlets and periodicals on propaganda, and censorship; specific reference to censorship in education, press, books, radio, telephone, telegraph, cable, stage, and moving pictures.

RECORD OF FIGHT FOR FREE SPEECH, Pam. 1923.

Included in "Work of American Civil Liberties Union" listed below.

REPRESSION OF CIVIL LIBERTIES IN THE U. S., in American Sociological Society, by Harry F. Ward. Vol. 18. See p. 126-146. (University of Chicago Press 1924.) Interference with civil liberties through legal decisions, administrative action and attitude of public, 1918-1923.

RESTRICTION OF PERSONAL LIBERTY IN THE U. S., in "Intercollegiate Debates" Series, Vol. IX. (Noble and Noble, 1928.)

Affirmative and negative data as to whether right of assemblage, trial by jury and other liberties are being infringed. (p. 253-316.)

SCHOOL BUILDINGS AS PUBLIC FORUMS. Pam. (American Civil Liberties Union, 1934. 16 pp.) Report on discrimination against unpopular minorities in the use of public school buildings.

***SELECTED ARTICLES ON FREEDOM OF SPEECH AND THE PRESS**, by Lamar T. Beman. (H. W. Wilson Co., 1930. 500 pp.)

Articles, negative and affirmative, on censorship of speech, press, radio and motion pictures. Bibliography.

STORY OF CIVIL LIBERTY. Pam. 1930.

Included in "Work of American Civil Liberties Union" listed below.

***STORY OF CIVIL LIBERTY IN THE UNITED STATES**, by Leon Whipple. Discusses denials of right to freedom of communication and of thought. (p. 260-329.) (For full listing see Section A.)

SWEET LAND OF LIBERTY. Pam. 1932.

Included in "Work of American Civil Liberties Union" listed below.

***THIS LAND OF LIBERTY**, by Ernest Sutherland Bates. Cases involving restriction of civil liberty since 1914. (For full listing see Section A.)

TOO MUCH GOVERNMENT, by Charles Erskine Scott Wood. (The Vanguard Press, 1931. 265 pp.) Cases involving civil liberties since 1914.

TREATISE ON THE CONSTITUTIONAL LIMITATIONS, by Thomas M. Cooley. See Chap. "Free Speech and Press."

Definition and history of liberty of speech and press and its protection by federal and state governments. (For full listing see Section B 1.)

***TRIAL BY PREJUDICE**, by Arthur Garfield Hays. (Covici-Friede, 1933. 369 pp.) Celebrated cases in which social or political prejudice has influenced the decisions of the courts. (Cases listed under appropriate headings under C 2 - C 10 inclusive.)

WAR TIME PROSECUTIONS AND MOB VIOLENCE. Pam. (American Civil Liberties Union.)

Cases involving rights of free speech, free press and peaceful assemblage.

WHAT DO YOU MEAN, FREE SPEECH? Pam. by Roger Baldwin. (American Civil Liberties Union.) Free speech defined.

WHO ADVOCATES VIOLENCE? Pam. (American Civil Liberties Union, 1937. 6 pp.) Record of advocacy of violence by reactionaries as well as radicals.

*WORK OF AMERICAN CIVIL LIBERTIES UNION. (On file in N. Y. Public Library, and at American Civil Liberties Union.)

Reports of the American Civil Liberties Union issued annually in pamphlet form (1921 to date), indicating current status of civil liberty, and covering activities of the organization. Titles of pamphlets are: A Year's Fight for Free Speech (period 1921-1922); Record of Fight for Free Speech (1923); Free Speech (1924, 1925, 1926); Fight for Civil Liberty (1928, 1929); Story of Civil Liberty (1930); Fight for Civil Liberty (1931); Sweet Land of Liberty (1932); Land of Pilgrims Pride (1933); Liberty under the New Deal (1934); Land of the Free (1935); How Goes the Bill of Rights? (1936).

A YEAR'S FIGHT FOR FREE SPEECH. Pam. 1921-1922.

Included in "Work of American Civil Liberties Union" listed above.

2. FREEDOM OF THE PRESS AND PUBLICATION

a. General

AREOPAGITICA, by John Milton. (London, 1819. 203 pp.) (First printed in 1644; frequently reprinted.)

Address to the Parliament of England in behalf of unlicensed printing.

LAW OF THE PRESS, by William G. Hale. (West Publishing Co., 1923. 500 pp.) Legislation restricting freedom of the press, with illustrative cases.

LIBEL AND LIBERTY OF THE PRESS, by Thomas Cooper. (G. F. Hopkins & Son, 1830. 500 pp.) Treatise on origin, use and abuse of the law of libel.

LIBERTY AND THE NEWS, by Walter Lippmann. (The Macmillan Co., 1927. 104 pp.) On the problems of the modern press in relation to truth and freedom.

LIBERTY OF EXPRESSION IN THE PRESS, RADIO AND MOTION PICTURES. Pam. (Institute of Public Affairs, 1936. 49 pp.) A panel discussion by Louis G. Caldwell, Carl Arnold, Roger Baldwin, F. W. Allport.

LIBERTY OF THE PRESS, by Thomas Erskine. (John Buell, 1793. 68 pp.) Famous speech in support of liberty of the press.

MAIN CURRENTS IN THE HISTORY OF AMERICAN JOURNALISM, by W. A. Bleyer. (Houghton Mifflin Co., 1927. 464 pp.)

Includes historical background of censorship of press.

NEW INTERNATIONAL ENCYCLOPAEDIA, 2nd Ed. (Vol. 19, p. 188, 1916.)

See "Freedom of Press." Its history in various countries.

*THE NEWSPAPER AND AUTHORITY, by Lucy Maynard Salmon. (Oxford University Press, 1923. 505 pp.) History and theory of censorship of the press in U. S. and foreign countries. Treatise on libel and libel suits.

OUR ANCIENT LIBERTIES, by Leon Whipple. Includes early instances of censorship of the press in U. S. (p. 86-92.) (For full listing see Section A.)

STORY OF CIVIL LIBERTY IN THE UNITED STATES, by Leon Whipple. Includes discussion of censorship of the press with listing of suppressed books and periodicals. (For full listing see Section A.)

STRUGGLE FOR THE FREEDOM OF THE PRESS 1819-1832, by William H. Wickwar. (Unwin Bros., Ltd., Great Britain, 1928. 325 pp.) Early press prosecution in England and development of free press principle.
Note: See also Section B 2 d.

b. Special Cases and Issues

THE ABOLITIONISTS, by J. E. Hume. (G. P. Putnam's Sons, 1905. 224 pp.)

Examples of interference with the press during the anti-slavery controversy.

AMERICAN CRIMINAL TRIALS, by Peleg W. Chandler. (Timothy N. Carter & Co., Boston, 1841.) See Vol. I, p. 151-209. Abridged narrative of Peter Zenger trial — 1735.

ANTHONY COMSTOCK, HIS CAREER BY CRUELTY AND CRIME.

Pam. Reprint from "The Champions of the Church." (D. M. Bennett, N. Y., 1878.) Comstock's activities in instituting the obscenity laws (1873) and cases prosecuted under these laws.

ANTHONY COMSTOCK — ROUNDSMAN OF THE LORD, by Heywood

Broun and Margaret Leech. (N. Y. Literary Guild of America, 1927. 285 pp.) Influence of Comstock on censorship and discussion of his fanaticism.

CASES in re Freedom of Press. (Gov. Printing Office, Washington, 1912. 54 pp.)

Case No. 818: Journal of Commerce and Commercial Bulletin vs. Frank Hitchcock, Postmaster General. Case No. 819: Lewis Publishing Co. vs. Morgan, Postmaster General.

CENSORSHIP AND THE PUBLIC LIBRARY With Other Papers, by George

F. Bowerman. (H. W. Wilson Co., 1931. 298 pp.) Compilation of essays.

CHICAGO TRIBUNE — FREEDOM OF THE PRESS. (Chicago Tribune —

for private circulation — 1921. 37 pp.) Opinion in libel suit, City of Chicago vs. the Chicago Tribune; also brief history of struggle for free press.

DEVELOPMENT OF FREEDOM OF THE PRESS IN MASSACHUSETTS, by Clyde A. Duniway. (Longmans Green & Co., 1906. 202 pp.)

The rise of a free press in Massachusetts (1603-1827).

JOHN PETER ZENGER, New York (Colony) Courts, Supreme Court of Judicature. First printed in New York and reprinted in many editions.

A brief narrative of Zenger's case and trial (1697-1746), which established the right of the jury to judge both the facts and the law in libel suits.

LET FREEDOM RING, by Arthur Garfield Hays.

Includes "American Mercury Case." (For full listing see Section C 1.)

LIBERTY OF THE PRESS IN THE AMERICAN COLONIES BEFORE

THE REVOLUTION, by Livingstone Rowe-Schuyler. (Thomas Whittaker, N. Y., 1905. 86 pp.) Instances in which the state attempted to interfere with the liberty of the press, 1639-1775.

MACFADDEN PROSECUTION. Pam. by Bernarr A. Macfadden. (Battle Creek, Mich., 1908. 16 pp.)

Prosecution under the postal laws, for publishing alleged obscene articles.

- PERNICIOUS BOOKS**, by Bliss Perry. (New England Watch & Ward Society, 1927. 15 pp.) Address delivered in 1923.
- PROCEEDINGS OF INDIGNATION MEETING**, held in Faneuil Hall to protest against imprisonment of Ezra Heywood for circulating obscene literature through the mails (by Benjamin R. Tucker, Boston, 1878, 68 pp.)
- STORY OF THE MENACE TRIAL**. Pam. by Benjamin O. Flower. (United States Publishing Co., 1916. 61 pp.) Efforts of Catholic Church, by means of the obscenity statutes, to suppress the magazine "The Menace."
- WILLIAM LLOYD GARRISON**, by W. P. and F. J. Garrison. (Century Co., revised 1935.) Restraint of the press in period of the abolitionists.

c. Control of the Press

- BALLYHOO**, by Silas Bent. (Boni & Liveright, 1927. 398 pp.) Analysis of forces behind the political and commercial control of American newspapers.
- BRASS CHECK**, by Upton Sinclair. (Pub. by Upton Sinclair, Pasadena, Cal., 1920. 445 pp.) Author's experience with corrupt American journalism.
- FREEDOM OF THE PRESS**, by George Seldes. (Bobbs-Merrill Co., 1935. 380 pp.) Influence of industry and politics on the modern press. Appendix includes code of ethics of Newspaper Guild.
- GOVERNMENT INFLUENCE ON NEWS IN U. S. DURING THE WORLD WAR**, by Frank Herdee Allen. (Unpublished Thesis, University of Illinois, 1934.) Control of the press by the Committee on Public Information.
- IMMIGRANT PRESS AND ITS CONTROL**, by Robert E. Park. (Harper & Bros., 1922.) See Chap. XV, XVI, XVII, XVIII. (p. 359-463.)
Extent of political and business control of immigrant press in the U. S. Also government regulation during World War.
- PRESS AND ORGANIZATION OF SOCIETY**, by Norman Angell. (Minority Press, Cambridge, England, 1933. 70 pp.) Problem of the industrialized and capitalistic press in the U. S. and Great Britain.
- PUBLIC OPINION AND THE STEEL STRIKE**, Interchurch World Movement. (Harcourt Brace & Co., 1921. 341 pp.)
Influence of special interests on the press.
- SOME NEWSPAPERS AND NEWSPAPER MEN**, by Oswald Garrison Villard. (Alfred A. Knopf, 1923. 345 pp.)
Development of commercial control in American newspapers since 1900.
- STRANGE BEDFELLOWS**, by Silas Bent. (Horace Liveright, 1928. 347 pp.)
Objective study of the influence of our industrial economy on the modern press. (p. 173-270.)
- YOU CAN'T PRINT THAT!**, by George Seldes. (Payson & Clarke Ltd., 1929. 465 pp.) Censorship of foreign news in the U. S. press, 1918-1928.

d. Obscenity

- ENCYCLOPAEDIA BRITANNICA**, 14th Ed. (The Macmillan Co., 1930.)
See "Censorship in U. S. of plays and books," "Obscenity."

- FREEDOM OF THE PRESS AND OBSCENE LITERATURE.** Pam. by Theodore A. Schroeder. (Free Speech League, N. Y., 1906. 71 pp.) Arguments for repeal of laws relating to the suppression of obscene literature.
- ***TO THE PURE**, by Morris L. Ernst and William Seagle. (Viking Press 1928. 336 pp.) Past and present concepts of obscenity with discussion of English and American obscenity laws. List of books banned in U. S. and Canada.
- WHO'S OBSCENE?**, by Mary Ware Dennett. (Vanguard Press, 1930. 293 pp.) Censorship powers of Post Office Dept. as instanced by the suppression of the pamphlet, "The Sex Side of Life."
- Note:* See also Section B 2 e and B 2 g.

3. FREEDOM OF RADIO (AND TELEGRAPH AND CABLE)

- BILLS IN CONGRESS FOR FREEDOM OF THE AIR.** Pam. (American Civil Liberties Union, 1936. 16 pp.) Proposed amendments to Federal Communications Act, to insure greater freedom of the air.
- CENSORSHIP IN RADIO**, by Seymour N. Siegel. (Air Law Review, 1937. Vol. 7, No. 1. 22 pp.) Cases of government interference with broadcasting.
- CONCENTRATION OF CONTROL IN AMERICAN INDUSTRY**, by Harry W. Laidler. (Thomas Y. Crowell Co., 1931.) The rise of the Radio Corporation of America and its virtual monopoly in the radio field. (p. 104-117.)
- CONTROL OF RADIO.** Pam. by Jerome G. Kerwin. (Public Policy Pamphlet No. 10.) (University of Chicago Press, 1934. 27 pp.) Censorship of radio by federal regulation and the influence of the Radio Corporation of America.
- * **DEBATE HANDBOOK ON RADIO CONTROL AND OPERATION**, edited by Bower Aly and Gerald D. Shively. (Staple Publishing Co., Columbia, Miss., 1933. 224 pp.) Material for debaters on private vs. government control of radio. Bibliography and selected reprints on the operation and control of radio in U. S. and Great Britain.
- EDUCATION BY RADIO.** Vol. VIII, No. 1, in "Reference Shelf" Series, comp. by Helen W. Muller. (H. W. Wilson Co., 1932. 175 pp.) Affirmative and negative data on desirability of legislation reserving some radio channels for educational agencies.
- FREEDOM OF SPEECH.** Vol. X, No. 8, in "Reference Shelf" Series, comp. by Julia E. Johnson. Negative and affirmative arguments on censorship of radio (p. 261-313.) Bibliography. (For full listing see Section C 1.)
- HANDOUT**, by George Michael. (G. P. Putnam's Sons, 1935. 242 pp.) See p. 35-54. Indictment of the present system of radio control and censorship, exercised through the Federal Communication Commission.
- INTERPRETATIONS**, by Walter Lippmann. (The Macmillan Co., 1936.) See p. 370-372. The problem of radio control succinctly stated.
- * **(THE) LAW OF RADIO COMMUNICATION**, by Stephen Davis. (McGraw-Hill Book Co., 1927. 206 pp.) Speculative analysis of the law and problems of radio communication. Appendix includes Radio Act of 1927.

- LIBERTY OF EXPRESSION IN THE PRESS, RADIO AND MOTION PICTURES.** Pam. A panel discussion. (For full listing see Section C 2 a.)
- MOBILIZATION FOR CHAOS,** by O. W. Riegel. (Yale University Press, 1934.) See p. 85-107. Radio under the state as a tool for molding public opinion and fostering nationalism.
- NEW EMPIRES. THE NEWSPAPER AND THE RADIO,** by Karl A. Bickel. (J. B. Lippincott Co., Philadelphia, 1930. 112 pp.)
Includes survey of radio status and control in various countries.
- NOT TO BE BROADCAST,** by Ruth Brindze. (Vanguard Press, 1937. 310 pp.)
Plea for free speech on radio, and denunciation of government licensing and of censorship by radio chains.
- ORDER ON THE AIR!** Pam. by James Rorty. (John Day Co., 1934. 32 pp.)
Federal, state and commercial regulation of radio.
- PROPAGANDA AND THE NEWS,** by Will Irwin. (McGraw Hill Book Co., Inc., 1936.) See "Radio and the 5th Estate." (p. 246-264.) Includes a comparison of U. S. and foreign systems of ownership and regulation.
- RADIO AND EDUCATION,** edited by Levering Tyson. (University of Chicago Press, 1934.) In the Proceedings of the 4th Annual Assembly of the National Advisory Council on Radio in Education. See p. 76-115. Bruce Bliven, for government control of radio; E. H. Harris, for private control.
- RADIO AND ITS FUTURE,** edited by Martin Codel. (Harper & Bros., 1930.)
Articles dealing with the legal difficulties of radio regulation, national and international. (p. 219-264.)
- RADIO IS CENSORED!** Pam. (American Civil Liberties Union, 1936. 56 pp.)
150 case histories of station censorship, showing need for legislation to preserve freedom of the air.
- RADIO SERVICE BULLETIN,** U. S. Dept. of Commerce, Radio Division. (Government Printing Office, Washington. Issued monthly.)
Contains amendments to and changes in radio laws and regulations.
- * **SELECTED ARTICLES ON FREEDOM OF SPEECH AND THE PRESS,** by Lamar T. Beman. Includes articles, affirmative and negative, on censorship of radio. Bibliography. (For full listing see Section C 1.)
- STATE AND MUNICIPAL REGULATION OF RADIO COMMUNICATION,** by Paul M. Segal, Paul D. P. Spearman. (U. S. Government Printing Office, Washington, 1929. 16 pp.) Pam. of Legal Division of Federal Radio Commission indicating the proper scope of local regulation.
- U. S. FEDERAL COMMUNICATION COMMISSION.** (Called Federal Radio Commission 1927-1934.) (Supt. of Documents, Washington.) Publishes annual reports; official reports of proceedings and hearings; decisions and orders; rules and regulations; and lists of broadcasting stations of U. S.
- Note:* See also Section B 2 d.

4. FREEDOM IN THE ARTS, STAGE AND MOTION PICTURES

- CENSORED. THE PRIVATE LIFE OF THE MOVIES**, by Morris L. Ernst and Pare Lorentz. (Jonathan Cape and Harrison Smith, 1930. 199 pp.) Exposé of inadequacy of censorship machinery of motion picture industry.
- CENSORSHIP OF THE THEATRE AND MOVING PICTURES**, by Lamar T. Beman. (H. W. Wilson Co., 1931. 388 pp.) Affirmative and negative.
- CONTROVERSY BETWEEN THE PURITANS AND THE STAGE**, by Elbert N. S. Thompson. (Henry Holt & Co., 1903. 275 pp.)
Gives the psychological background of American censorship.
- ENCYCLOPAEDIA BRITANNICA**. 14th Ed. (The Macmillan Co., 1930.)
See "Censorship in U. S. of motion pictures and of plays."
- INDECENCY AND THE SEVEN ARTS**, by Horace Kallen. (Horace Live-right, Inc., 1930. 246 pp.)
See p. 20-53. Factors resulting in censorship of motion pictures.
- LET FREEDOM RING**, by Arthur Garfield Hays. Case against producers of "The Captive," on charge of obscenity. (For full listing see Section C 1.)
- LIBERTY OF EXPRESSION IN THE PRESS, RADIO AND MOTION PICTURES**. Pam. A panel discussion. (For full listing see Section C 2 a.)
- PUBLIC RELATIONS OF MOTION PICTURE INDUSTRY**. Pam. (Federal Council of Churches of Christ in America, 1931. 155 pp.)
History of official and unofficial censorship of motion pictures in the U. S.
- * **SELECTED ARTICLES ON FREEDOM OF SPEECH AND THE PRESS**, by Lamar T. Beman. Articles, affirmative and negative, on censorship of motion pictures. Bibliography. (For full listing see Section C 1.)
- SEX IN THE ARTS**, a symposium edited by John McDermott and Kendall Taft. (Harper & Bros., 1932. 328 pp.)
See Chap. 17, "Sex and Censorship," by Morris L. Ernst. (p. 316-328.)
Trends in the attempted censorship of literature and drama in the U. S.
- STATE CENSORSHIP OF MOTION PICTURES**, by James R. Rutland. (H. W. Wilson Co., 1923. 177 pp.) Listing of the pros and cons of state censorship of motion pictures. Bibliography.
- STORY OF CIVIL LIBERTY IN THE UNITED STATES**, by Leon Whipple.
Includes brief discussion of censorship of art and of motion pictures. (For full listing see Section A.)
- WEINBERGER CASE**. (West Publishing Co., 1925.)
(See Northeastern Reporter filed N. Y. Pub. Library under "Censorship.")
Legal record of case to suppress production of "The God of Vengeance" because of alleged obscenity.
- WHAT SHOCKED THE CENSORS**. Pam. (Pub. by National Council on Freedom from Censorship, 1933.)
Complete record of cuts in motion picture films ordered by the N. Y. censor, Jan. 1932 to Mar. 1933.
- Note:* See also Section B 2 d.

5. ACADEMIC FREEDOM

a. General

- * **ACADEMIC FREEDOM.** Vol. III, No. 6, in The "Reference Shelf" Series, by Julia E. Johnsen. (H. W. Wilson Co., 1925. 110 pp.)
Selected briefs and reprints, affirmative and negative. Bibliography.
- * **ARE AMERICAN TEACHERS FREE?** (Also filed under American Historical Association Report of the Commission on the Social Studies — Part XII), by Howard K. Beale. (Charles Scribner's Sons, 1936. 855 pp.)
Comprehensive analysis of the problem of freedom for American grade and college teachers in the period 1917 to 1936. Bibliography.
- ENCYCLOPAEDIA OF THE SOCIAL SCIENCES.** (The Macmillan Co., 1930.) See "Academic Freedom," by Arthur O. Lovejoy, Vol. I, p. 384-388. Defines academic freedom, discusses its social importance and the forces which interfere with it. Bibliography.
- FREEDOM OF SPEECH,** by Zechariah Chafee, Jr. See p. 365-376. Freedom of speech as applied to schools. (For full listing see Section B 2 a.)
- FREEDOM OF SPEECH,** Vol. X, No. 8, in "Reference Shelf" Series, by Julia E. Johnsen. See p. 131-360. Negative and affirmative arguments on academic freedom and teachers' oaths. (For full listing see Section C 1.)
- GAG ON TEACHING.** Pam. (American Civil Liberties Union, 1936. 60 pp. 10¢.) Revised Edition. Legislative restrictions since 1921 on teaching in the public schools. Efforts of college administrators to restrict freedom of students and faculty in deference to pressure groups and financial supporters.
- (THE) GOOSE STEP,** by Upton Sinclair. (Pub. by the Author, Pasadena, Cal. 1922. 478 pp.) Alleged control of the American colleges by "Big Business."
- THE GOSLINGS,** by Upton Sinclair. (Pub. by the Author, Pasadena, Calif., 1924. 444 pp.) Alleged control of the public schools by "Big Business."
- LABOR FACT BOOK,** by Labor Research Association, Inc. (Published periodically 1931 to date.) See Vol. III, p. 157. Denial of academic freedom. (For full listing see Section A.)
- NATIONAL ASSOCIATION OF STATE UNIVERSITIES IN U. S.,** Transactions and Proceedings, 1934. (Pub. by A. H. Upham, Oxford, Ohio, 1934. 253 pp.) See p. 119-129. Stresses granting freedom of expression to teachers.
- NATIONAL EDUCATION ASSOCIATION, DEPARTMENT OF SUPERINTENDENCE, OFFICIAL REPORT,** 1936. (Pub. by National Education Association.) See "Scholar in an Age of Conflicts," by Charles Beard. (p. 114-120.) Importance of preserving educational liberty.
- NATIONAL EDUCATION ASSOCIATION PROCEEDINGS,** 1934, Vol. 72. (Pub. by National Education Association.)
See "Three Speeches on Academic Freedom." (p. 79-91.)
From the viewpoint of the superintendent, by Thomas W. Gosling.
From the viewpoint of the classroom teacher, by Blanche Preble.
From the viewpoint of the college president, by Charles E. Beury.

- See "Report of the Commission on Academic Freedom," by Karl W. Guenther. (p. 337-339.) Recommendation for grade teachers' organizations.
- NATIONAL EDUCATION ASSOCIATION PROCEEDINGS, 1932, Vol. 70. (Pub. by National Education Association.) See "Freedom in Teaching," by Henry Linville. (p. 242-244.) Challenge to teachers to defend academic freedom. See "Freedom in Teaching," by Roger N. Baldwin. (p. 244-245.) Argument for control of education by teachers and students.
- NATIONAL EDUCATION ASSOCIATION PROCEEDINGS, 1935, Vol. 73. (Pub. by National Education Association.) See "Academic Freedom," panel jury discussion, by Blanche Preble and others. (p. 106-108.) See "Academic Freedom in a Period of Transition," by John L. Childs. (p. 233-237.) Need for teachers to organize to oppose organized pressure groups. See "National Education Association Should Provide Counsel for Defense of the Profession," by J. Herbert Kelley. (p. 237.) See "Report of the 1935 Commission on Academic Freedom," by Emily Tarbell. (p. 300-301.)
- NO FRIENDLY VOICE, by Robert Maynard Hutchins. (University of Chicago Press, 1936.) See "What is a University?" (p. 5.) Plea for freedom of inquiry, discussion and teaching in our universities.
- REVOLT ON THE CAMPUS, by James Wechsler. (Covici Friede, 1935. 465 pp.) Development of liberal thought and activities among college students and efforts made to suppress them.
- * SOCIAL FRONTIER. (Magazine. Vol. II, No. 6. Pub. by Social Frontier, 44 West 90th Street, N. Y. C., March 1936. 40 pp. 25¢.)
Entire issue devoted to Academic Freedom. Important phases discussed by John Dewey, William Kilpatrick, Jesse Newlon, Roger Baldwin and others.
- STORY OF CIVIL LIBERTY IN THE UNITED STATES, by Leon Whipple. Includes history of fight for academic freedom, and instances of dismissal of faculty members for opinions. (For full listing see Section A.)
- (THE) UNIQUE FUNCTION OF EDUCATION IN AMERICAN DEMOCRACY. (Pub. by the Educational Policies Commission of the National Education Association, 1937. 129 pp.) See Chap. VII, "Conditions Requisite for the Discharge of Educational Obligations." (p. 101-129.) Shows that freedom of expression in education is essential to the preservation of democracy.
- b. Control of Curriculum*
- ATTEMPTS TO CONTROL THE TEACHING OF HISTORY IN SCHOOLS, by Bessie L. Pierce, 20 pp. (Pub. in "Founders of the Republic," by Claude G. Bowers. American Library Association, 1927.)
Address reviewing propagandist influences in American history text books.
- * CITIZENS' ORGANIZATIONS AND THE CIVIC TRAINING OF YOUTH (in American Historical Association Report of the Commission on the Social Studies — Part III, by Bessie L. Pierce). (Charles Scribner's Sons, 1933. 426 pp.) Study of 200 pressure groups and their programs for influencing civic and social education in the elementary and secondary schools, 1917-1933. Bibliography, p. 353-408.

CIVIC ATTITUDES IN AMERICAN SCHOOL TEXT BOOKS, by Bessie L. Pierce. (University of Chicago Press, 1930. 296 pp.)

See part VI. (p. 229-256.) State regulation of civic instruction in the public schools, and citizenship and allegiance requirements for teachers.

EDUCATION AND ORGANIZED INTERESTS IN AMERICA, by Robert Bruce Raup. (Putnam's Sons, 1936. 238 pp.) Efforts of non-educational pressure groups to interfere with the teaching of controversial subjects.

LEGAL STATUS OF CHURCH-STATE RELATIONSHIP IN THE UNITED STATES, by Alvin W. Johnson. (University of Minnesota Press, 1934. 332 pp.) Laws and decisions affecting teaching religion in public schools.

LEGISLATIVE CONTROL OF THE ELEMENTARY CURRICULUM, by Jessie K. Flanders. (Bureau of Publications, Teachers College, N. Y. C., 1925. 239 pp.) Study of the legislative enactments of the 48 states affecting school curricula. Trends from 1903 to 1923. Bibliography.

* PUBLIC OPINION AND THE TEACHING OF HISTORY IN THE UNITED STATES, by Bessie L. Pierce. (Alfred A. Knopf, 1926. 380 pp.)

The statutory regulation of the teaching of history from colonial days to 1926 and attacks of propagandist agencies on history text books. Chapter on disloyalty charges against teachers since 1917. Bibliography.

RED RIDER TO THE DISTRICT OF COLUMBIA APPROPRIATION BILL. (U. S. Gov. Printing Office, Washington.) U. S. Hearing on H. R. 10391 and H. R. 11375, 74th Congress, 2nd Session, on law to prohibit payment of salaries to public school teachers advocating communism. (Repealed.)

(THE) SCHOOL CHILD AND PROPAGANDA, in Proceedings of the National Conference of Social Work, 1931. (University of Chicago Press. 702 pp.)

See "The Conundrum of the Educator," by William G. Carr. (p. 597-605.)

Problem of determining which civic and special groups may properly make their appeal in the schools.

c. Evolution

BRYAN AND DARROW AT DAYTON, edited and compiled by Leslie H. Allen. (Arthur Lee & Co., 1925. 218 pp.) Data and court records of the Scopes case, testing the Tennessee anti-evolution law.

CASE ON APPEAL, BRIEF & ARGUMENT in behalf of John Thomas Scopes vs. State of Tennessee. Pam. No. 2, Rhea Court Criminal Docket — September Term, 1925. (Reprinted by Richard Wiener, Law Printer, 69 Beekman St., N. Y. C., 1925. 141 pp.)

LET FREEDOM RING, by Arthur Garfield Hays.

See "Freedom of Education" (p. 25-93), for Scopes trial. (For full listing see Section C 1.)

(THE) WORLD'S MOST FAMOUS TRIAL. (National Book Co., Cincinnati, 1925. 339 pp.) Stenographic report of the Scopes trial, with speeches and arguments by counsel.

d. Cases

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, Bulletin of. (Vol. XXIII, No. 2, 1937.) Report on the Jerome Davis case.

AMERICAN FEDERATION OF TEACHERS PROCEEDINGS. (Pub. by the American Fed. of Teachers.)

See Year 1929 (p. 59-67). Cases of interference with academic freedom.

Year 1931 (p. 90-94). Dismissal of Prof. Miller from Ohio State University because of controversy over compulsory military training.

AMERICAN INQUISITORS, by Walter Lippmann. (The Macmillan Co., 1928. 120 pp.) Scopes and McAndrew cases illustrating interference with the teaching of scientific and historical truths.

* AMERICAN LABOR YEAR BOOKS 1916-1932. (Pub. by Labor Research Dept. of Rand School of Social Science.) Annual summaries of violations of academic freedom, 1916-1932. (For full listing see Section A.)

EDUCATIONAL FRONTIERS, by Scott Nearing. (Thomas Seltzer, 1925. 250 pp.) Summary dismissal of Dr. Simon Patten from University of Pennsylvania, and discussion of difficulties of teacher holding unorthodox views.

(THE) JEROME DAVIS CASE. Pam. (Pub. by the American Federation of Teachers, 1937. 60 pp.) Investigation by the American Federation of Teachers of the proposed dismissal of Prof. Davis from Yale Divinity School.

(THE) NEARING CASE, by Lightner Witmer. (B. W. Huebsch, 1915. 123 pp.)

Articles on Scott Nearing's dismissal from the University of Pennsylvania.

PROCEEDINGS OF THE DEPARTMENT OF EDUCATION, N. Y. C.: The trial of three suspended teachers of the DeWitt Clinton High School. Pam. (Pub. by Teachers Defense Fund, N. Y. C., 1917. 267 pp.)

Stenographic report of hearings before the Committee on High Schools.

QUESTION OF ACADEMIC FREEDOM. Pam. by Joel Spingarn. (Private printing, 1911. 53 pp.) Correspondence and articles regarding Professor Spingarn's dismissal from Columbia University.

SCHOOL AND SOCIETY IN CHICAGO, by George Sylvester Counts. (Harcourt, Brace & Co., 1928. 361 pp.) Influence of organizations and social groups on the Chicago public school system. McAndrews case cited.

TOWARD THE NEW EDUCATION — the case against autocracy in our public schools. Pam. (Pub. by Teachers' Union of N. Y. C., 1918. 164 pp.)

Defense of three suspended teachers of the DeWitt Clinton High School.

e. College and School Administration

AMERICAN COLLEGE AND ITS RULES, by John E. Kirkpatrick. (New Republic, Inc., 1926. 308 pp.) Argument for control of universities by faculty and students rather than by financial interests.

ASSOCIATION OF GOVERNING BOARDS OF STATE UNIVERSITIES AND ALLIED INSTITUTIONS. PROCEEDINGS 1934. Pam. (110 pp.)

See "Academic Freedom," by Carl Wittke. (p. 36-43.) Aims and activities of Amer. Assoc. of University Professors in relation to academic freedom.

REPORT OF UNITED STATES COMMISSIONER OF EDUCATION, 1915. Vol. 1. (Published by Department of Interior, Washington; Gov. Printing Office.) Serious effect of recurrent dismissals of college teachers holding unorthodox views. Organization of American Association of University Professors for defense of such cases. (p. 157-167.)

(THE) SOCIAL COMPOSITION OF THE BOARDS OF EDUCATION, by George Sylvester Counts (Pub. in the Supplementary Educational Monographs, No. 33, University of Chicago, 1927. 97 pp.)

Examination of the membership of Boards controlling public education in the U. S., and domination of boards by a socially privileged group.

f. Loyalty Oaths

OATHS OF LOYALTY FOR TEACHERS. Pam. by Henry R. Linville. (Pub. by American Federation of Teachers, 1935. 48 pp. 25¢.) Statutes requiring loyalty oaths for teachers; discussion of their social and educational implications.

Note. See also Section B 2 f.

6. RIGHTS OF RADICALS

a. Legislative Investigations

BOLSHEVIK PROPAGANDA. U. S. Senate Committee on the Judiciary. (Gov. Printing Office, Washington, 1919. 1265 pp.)

Hearings before a subcommittee of the Committee on the Judiciary, 65th Congress, 3rd Session, pursuant to House Resolutions 439 and 469.

COMMUNIST PROPAGANDA, INVESTIGATION OF, by U. S. House of Representatives. (Government Printing Office, Wash., 1931; 22 vols.)

Hearing before a special committee on communist activities in the U. S., 71st Congress, 2nd Session, H. Res. 220. (100 page summary of the above is published under title, "Investigation of Communist Propaganda.") Popularly called Fish Committee Investigation.

"FISH COMMITTEE INVESTIGATION." See "Communist Propaganda, Investigation of U. S. House of Representatives" listed above.

"LUSK COMMITTEE REPORT." See "Revolutionary Radicalism" below.

REVOLUTIONARY RADICALISM. (J. B. Lyon, Albany, N. Y., 1920, 4 vols.) (Report of the Joint Legislative Committee of the State of New York, Investigating Seditious Activities. Clayton R. Lusk, Chairman.) The Committee's survey of radical movements in U. S. (Socialism, anarchism, communism, industrial unionism), account of measures taken to curb them.

SEDITION. U. S. House of Representatives, Committee on the Judiciary. (Hearing of 66th Congress, 2nd Session Feb. 4 and 6, 1920.) (Gov. Printing Office, Washington, 1920. 288 pp.) Official publications of the Communist party, etc.

SUPPRESSION OF PROPAGANDA FOR THE OVERTHROW OF THE U. S. GOVERNMENT, in "University Debater's Annual" Series, 1919-1920, edited by Edith M. Phelps. (H. W. Wilson Co., 376 pp.) Briefs, and speeches, negative and affirmative, made by Yale College teams. Bibliography.

*b. Political and Labor Prisoners**(1) General data*

LABOR FACT BOOK, by Labor Research Association, Inc. (Published periodically 1931 to date.) See Vol. I, p. 163-166 and Vol. III, p. 182-186, for political prisoners and defense cases. (For full listing see Section A.)

POLITICAL PRISONERS HELD IN THE U. S. Pam. by Elizabeth Trowbridge, (Border Publishing Co. Tuscon, Arizona, 1900.)

STORY OF CIVIL LIBERTY IN THE UNITED STATES, by Leon Whipple.

Includes treatment of political prisoners during Civil War (p. 133) and instances of imprisonment for radical opinions. (Full listing Section A.)

*(2) Cases**(a) Mooney — Billings*

CASE OF THOMAS J. MOONEY AND WARREN K. BILLINGS, by Henry T. Hunt. (National Mooney-Billings Committee, 1929. 444 pp.) Abstract and analysis of record before Gov. Young on application for pardon of Mooney.

JUSTICE FOR TOM MOONEY, by Gerald P. Nye. (U. S. Gov. Printing Office, Washington, 1929.) Speech in behalf of Tom Mooney.

OUR AMERICAN DREYFUS CASE. Pam. by Lillian Symes. (Inter-religious Committee for Justice for Thomas J. Mooney, Los Angeles, Calif., 1935. 48 pp.) Story of the "frame-up" of Mooney and Billings, with documentary evidence to prove their innocence.

(THE) STORY OF MOONEY AND BILLINGS AT A GLANCE. Pam. (American Civil Liberties Union. 1937. 8 pp.) History of case to May 1937.

(THE) SUPPRESSED MOONEY-BILLINGS REPORT, by Prof. Zechariah Chafee, Jr., Walter L. Pollak and Carl Stern. (Gotham House, privately published, 1932. 243 pp.) Report to the Wickersham Commission by National Committee on Law Observance and Enforcement. (Originally suppressed.) Account of the crime, subsequent trials and appeals prior to 1929.

(THE) SUPREME COURT ON THE MOONEY CASE. Pam. (American Civil Liberties Union. 1935.)

Decision denying habeas corpus with suggestion for further action.

* WHAT HAPPENED IN THE MOONEY CASE, by Ernest Jerome Hopkins. (Brewer, Warren & Putnam, 1932. 258 pp.)

Chronological arrangement and analysis of facts in Mooney-Billings case.

(b) Sacco and Vanzetti

FACING THE CHAIR by John Dos Passos. (Sacco-Vanzetti Defense Com., 1927. 127 pp.) Defense of Sacco and Vanzetti, showing that they were convicted primarily for their opinions.

LET FREEDOM RING, by Arthur Garfield Hays.

Review of Sacco-Vanzetti case. (For full listing see Section C 1.)

LIFE AND DEATH OF SACCO AND VANZETTI, by Eugene Lyons. (International Publishers, 1927. 208 pp.)

- SACCO-VANZETTI CASE, by Osmond K. Fraenkel. (Alfred A. Knopf, 1932. 550 pp.) History of the case, substantiated by documentary evidence.
- SACCO-VANZETTI CASE, by Felix Frankfurter. (Little, Brown & Co., 1927. 120 pp.) Summary of case with direct testimony and evidence.
- (THE) UNTRIED CASE, by Herbert B. Ehrmann. (Vanguard Press, 1933. 252 pp.) Review of evidence claimed to have been available to the authorities but neglected by them, proving the innocence of Sacco and Vanzetti.
(c) *Additional Cases*
- THE CASE OF ANGELO HERNDON. Pam. (Distributed by American Civil Liberties Union, 1935. 13 pp. 2¢.)
Georgia's insurrection law and its application in the case of Herndon.
- EUGENE V. DEBS, by McAllister Coleman. (Greenberg, 1930. 339 pp.) Debs' life and work, including his prison sentence under the Espionage Act. Bibliography.
- FRAME-UP SYSTEM. Pam. by Vern Ralph Smith. (International Pamphlets No. 8, 1930. 31 pp. 10¢.)
System used in conviction of labor leaders and sympathizers. Haymarket, Mooney-Billings, Sacco-Vanzetti and Joe Hill cases included.
- HISTORY OF THE HAYMARKET AFFAIR, by Henry David. (Farrar & Rinehart, 1936. 542 pp.) Its history and significance and discussion of subsequent legislation against anarchists and aliens.
- LET ME LIVE, by Angelo Herndon. (Random House, 1937. 409 pp.)
Autobiography of Herndon, convicted in Georgia for leading a demonstration to secure relief grants.
- PAUL BUTASH. Pam. (American Civil Liberties Union, 1937. 8 pp.)
Case of victim of Indiana sedition law.
- (THE) SACRAMENTO CRIMINAL SYNDICALISM CASES. (American Civil Liberties Union, 4 pp. Free.) (Reprinted from the bulletin of the International Juridical Association, November 1935.) Conviction of eight persons.
- * SEDITION, SYNDICALISM, SABOTAGE and ANARCHY. U. S. Judiciary Committee, House of Representatives. (Hearings 66th Congress, 2nd Session, Serial 10.) Discussion of Centralia case. (For full listing see Section B 2 b.)
- SENTENCED TO TWENTY YEARS PRISON. Pam. (Political Prisoners Defense and Relief Committee, 1919. 32 pp.)
Arrest and trial of Jacob Abrams and others, convicted for distribution of circulars protesting against U. S. intervention in Russia.
- TRIAL BY PREJUDICE, by Arthur Garfield Hays.
Review of Sacco-Vanzetti, Mooney-Billings, Angelo Herndon, Centralia and Gastonia cases. (For full listing see Section C 1.)
- UNITED STATES SUPREME COURT DECISION IN THE DIRK DEJONGE CASE. Pam. (American Civil Liberties Union. 1937, 8 pp.)
Decision under the Oregon criminal syndicalism law.

YOU BE THE JURY! Pam. (American Civil Liberties Union. 32 pp.)
Arthur Garfield Hays' address to jury in Emerson Jennings case.

c. Other Discriminations Against Radicals

FREEDOM OF SPEECH, by Zechariah Chafee, Jr. Includes data on Victor Berger's exclusion from House of Representatives and denial of seats to five socialist members in N. Y. State Assembly. (Full listing Section B 2 a.)

THE STRANGE CASE OF MRS. EATON. Pam. (American Civil Liberties Union, 1936. 12 pp.) Opinion depriving a mother of the custody of her children because of radical political and religious views.

Note: See also section C 9 for deportation cases involving radicalism and Section C 10 for cases involving political freedom of Negroes.

d. Attacks by Professional Patriots

AMERICAN LEGION AND CIVIL LIBERTY. Pam. by Walter Wilson. (American Civil Liberties Union, 1936. 32 pp.)
Record of the Legion in relation to free speech.

THE BLUE MENACE. Pam. by Elizabeth McCausland. (1928, 28 pp.)
Drive against liberalism in colleges, churches, etc., and efforts to curtail free speech by means of blacklists.

KING LEGION, by Marcus Duffield. (Jonathan Cape and Harrison Smith, 1931. 330 pp.) The Legion as enforcement agency of "professional patriots."

PROFESSIONAL PATRIOTS, by Norman Hapgood. (A. and C. Boni, 1927. 210 pp.) Efforts to exploit patriotic motivation in the U. S. during and after the World War.

RED NETWORK, by Elizabeth Dilling. (Published by the author, 1934. 352 pp.) A professional patriot's listing of radical and "dangerous" individuals and organizations in the U. S.

WHO'S UN-AMERICAN? AN ANSWER TO THE "PATRIOTS." Pam. (American Civil Liberties Union, 1935. 31 pp. 10¢.) Defense of activities of American Civil Liberties Union, and attack upon the "professional patriots."
Note: See also Section B 2 b.

7. FREEDOM OF CONSCIENCE

a. Religious Freedom and Rights of Religious Groups

CHALLENGE OF THE KLAN, by Stanley Frost. (Bobbs-Merrill Co., 1923. 258 pp.)

Activities of the Ku Klux Klan against Jews, Catholics and Negroes.

CHRISTIANS ONLY, by Heywood Broun and George Britt. (Vanguard Press, 1931. 333 pp.) Prejudice and discrimination against Jews in the U. S.

CIVIC ATTITUDES IN AMERICAN SCHOOL TEXT BOOKS, by Bessie L. Pierce. Dismissal from Denver school of 50 Jehovahite children for refusal to salute flag. (For full listing see Section C 5 b.)

CONSTITUTIONAL FREE SPEECH DEFINED AND DEFENDED, by Theodore A. Schroeder. Includes chapters on the origin and constitutionality

of the blasphemy laws, and review of prosecutions for crimes against religion 1600-1817. (For full listing see Section B 1.)

LEGAL STATUS OF CHURCH-STATE RELATIONSHIP IN THE UNITED STATES, by Alvin W. Johnson.

Laws and court decisions affecting the teaching of religion in the public schools; also study of "Sunday Legislation." (Full listing Section B 2 h.)

OBSTRUCTION OF JUSTICE BY RELIGION, by Frank Swancara. (W. H. Courtright Publishing Co., Denver, Colorado, 1936. 280 pp.)

Legally approved discriminations against the non-religious. Cases cited.

OUR ANCIENT LIBERTIES, by Leon Whipple.

Includes history of early religious liberty and restrictions in the U. S. p. 64-78, 82, 87, 111. (For full listing see Section A.)

RISE OF RELIGIOUS LIBERTY IN AMERICA, by Sanford H. Cobb. (The Macmillan Co., 1902. 582 pp.) History of religious liberty during colonial times, showing instances of denial of religious freedom.

* **STORY OF CIVIL LIBERTY IN THE UNITED STATES**, by Leon Whipple. Includes efforts to limit freedom of conscience for Quakers, Mormons, and conscientious objectors. Also cites discrimination against Jews and Catholics. (For full listing see Section A.)

TREATISE ON THE CONSTITUTIONAL LIMITATIONS, by Thomas M. Cooley. See Chap. "Religious Freedom." Discusses state constitutional guarantees of religious liberty, Sunday laws, punishment for blasphemy, etc. (For full listing see Section B 1.)

TRIAL BY PREJUDICE, by Arthur Garfield Hays.

Review of Leo Frank case. (For full listing see Section C 1.)

UNITED STATES AND GERMAN JEWISH PERSECUTIONS. (Jewish Academy of Arts and Sciences, 1933. 86 pp.) Cites instances of discrimination against Jewish race in U. S. *Note*: See also Section B 2 h.

Note: See also Section B 2 h.

b. Conscientious Objectors

(THE) CASE OF ROSIKA SCHWIMMER. Pam. (American Civil Liberties Union, 1929. 16 pp.) Denial of rights of citizenship based on refusal to pledge to bear arms in defense of the country.

THE CONSCIENTIOUS OBJECTOR, by Walter G. Kellogg. (Boni & Liveright, 1919. 141 pp.)

Interviews with 800 conscientious objectors during World War.

CONSCIENTIOUS OBJECTORS IN THE CIVIL WAR, by Edward N. Wright. (Univ. of Pennsylvania Press, 1931. 274 pp.) Treatment of conscientious objectors by military and civil authorities during Civil War.

ENCYCLOPAEDIA BRITANNICA, 14th Ed. (The Macmillan Co., 1930.) See "Conscientious Objector" and "Conscription."

"HEY, YELLOWBACKS!" by Ernest L. Meyer. (John Day, 1930. 209 pp.) The war diary of a conscientious objector.

- IS CONSCIENCE A CRIME? by Norman Thomas. (Vanguard Press, 1927. 310 pp.) The government's method of dealing with conscientious objectors in the U. S. during the World War. (Reprint of "The Conscientious Objector," published by B. W. Huebsch.)
- THE PACIFIST BOGEY. Pam. (American Civil Liberties Union, 1931. 23 pp.) Alien pacifists in the courts, including the Schwimmer and McIntosh cases.
- PREACHERS PRESENT ARMS, by Roy H. Abrams. (Round Table Press Inc., 1933.) Sec Chap. VI, VII, X and XII. Attitude of the clergy toward pacifism during World War.
- SUPREME COURT DECISION ON MILITARY TRAINING. Pam. (Distributed by American Civil Liberties Union. 16 pp. 5¢.) Case of two Methodist students at the University of California, 1934.

8. RIGHTS OF LABOR

a. General and Historical

- (THE) AMERICAN FEDERATION OF LABOR, by Lewis L. Lorwin. (The Brookings Institute, 1933. 573 pp.) History of the A.F. of L. showing use of injunctions, violence, etc., by employers in fight against unionization.
- * AMERICAN LABOR STRUGGLE, by Samuel Yellen. (Harcourt, Brace & Co., 1936. 398 pp.) Analysis of ten important labor struggles, 1877-1934. Development of industrial weapons used by both labor and capital, and rôle of the government and social agencies. Bibliography.
- * AMERICAN LABOR YEARBOOKS. (Published annually, 1916-1932, by Research Dept. of Rand School of Social Science.)
Annual summary of violations of rights of labor: see yearbook 1916, Part II, p. 59-88; 1917-18, Part III, p. 115-155; 1919-20, Part III, p. 210-254; 1921-22, Part I, p. 65-74; 1923-24, Sec. VI, p. 193-205; 1925, Sec. VI, p. 182-191; 1926, Sec. VI, p. 275-287; 1927, Sec. VI, p. 147-153; 1929, Chap. IX; 1930, Chap. VII; 1931, Chap. VIII; see yearbook 1932, Chap. VIII. (For full listing see Section A.) (For later years see Labor Fact Book.)
- * AMERICANIZATION OF LABOR, by Robert W. Dunn. (International Publishers, 1927. 272 pp.) A study of the use of company unions, blacklist, spy system and strike-breaking by employers, 1919-1927.
- DOCUMENTARY HISTORY OF AMERICAN INDUSTRIAL SOCIETY, 10 Vol. (The A. H. Clark Co., 1910-1911.) Vol. III-IV by John R. Commons and Eugene A. Gilmore. Reports on cases of labor conspiracy from 1806-1842, indicating beginnings of establishment of rights of labor.
Vol. V-X by John R. Commons, Helen L. Sumner, J. B. Andrews. History of the Labor Movement from 1820 to 1880.
- DON'T TREAD ON ME, by Clement Wood, McAllister Coleman and Arthur Garfield Hays. (Vanguard Press, 1928. 135 pp.)
Study of aggressive legal tactics to aid labor in gaining its rights.
- ENCYCLOPAEDIA BRITANNICA, 14th Ed. (The Macmillan Co., 1930.)
Sec "Injunction in labor disputes," "Strike and lockouts — U. S."

- ENCYCLOPAEDIA OF THE SOCIAL SCIENCES, (The Macmillan Co. 1930.) See Vol. V, "Governmental Espionage." Use against radicals and other minority groups, Vol. VIII, "Labor Movement." Summary of aims and activities. (For full listing see Section A.)
- FINAL REPORT OF THE COMMISSION ON INDUSTRIAL RELATIONS. Pam. (Gov. Printing Office, Washington, 1916. 267 pp.) Including the report of Basil M. Manly and others. Reprinted from Senate Doc. No. 415, 64th Congress. Employee-employer relations in industry and agriculture.
- FORCED LABOR IN THE UNITED STATES, by Walter Wilson. (International Publishers, 1933. 172 pp.) Account of forced labor under the capitalistic system, convict labor, unemployment relief projects, and peonage.
- THE GOVERNMENT — STRIKE BREAKER, by Jay Lovestone. (Workers Party of America, 1923. 364 pp.)
The rôle of the government in the industrial battles prior to 1923.
- HISTORY OF LABOR IN THE UNITED STATES, by John Commons, John Andrews and others. (The Macmillan Co., 1926. Vol. I, 623 pp.; Vol. II, 620 pp.) Includes discussion of infringement of civil rights of workers.
- HISTORY OF THE LEAGUE FOR INDUSTRIAL RIGHTS, by Walter G. Merritt. (League for Industrial Rights, 1925. 132 pp.) Legal and political contest over industrial issues; use of boycott, blacklist and injunction.
- (THE) HISTORY AND PROBLEMS OF ORGANIZED LABOR, by Frank Carlton. (D. C. Heath & Co., 1920. 559 pp.)
History of labor from Revolutionary period to 1920.
- *THE INQUIRING MIND, by Zechariah Chafee, Jr. Includes analysis of the labor injunction and of criminal syndicalism laws. Also discussion of company towns, and steel strike of 1919. (For full listing see Section B 2 a.)
- LABOR FACT BOOK, by Labor Research Association, Inc. (Published periodically 1931 to date.) Includes employer and government activities against labor. (Use of yellow-dog contract, spy system, injunctions, frame-ups; terrorizing of workers.) See Vol. I, p. 143-170; Vol. II, p. 49; Vol. III, p. 155-186. (For full listing see Section A.)
- (THE) LABOR PROBLEM IN THE U. S. AND GREAT BRITAIN, by Warren B. Catlin. (Harper & Bros., 1926. 659 pp.) Includes types of interference with civil liberties, prevention of assemblage, use of blacklist, etc.
- LABOR'S CHALLENGE TO THE SOCIAL ORDER, by John G. Brooks. (The Macmillan Co., 1921. 441 pp.)
Cites various instances of infringement of labor's civil rights.
- (THE) MILITIA. Pam. by Walter Wilson. (Tomorrow Publishers, N. Y., 1935. 32 pp. 15¢.) Development of the militia system and use of the National Guard in industrial disputes.
- AN OUTLINE OF THE HISTORY OF LABOR DEFENSE IN THE U. S. FROM COLONIAL DAYS TO THE PRESENT. (Bulletin No. 23 of the National Education Committee of International Labor Defense.) Pam. by Sasha Small. (Published by I. L. D., 1936. 66 pp. 10¢.)

- SEVENTY YEARS OF LIFE AND LABOR, by Samuel Gompers. (E. P. Dutton & Co., 1925. Two Vols. 557 pp.)
Account of Gompers' struggle for freedom and justice for the wage earner.
- STORY OF CIVIL LIBERTY IN THE UNITED STATES, by Leon Whipple.
Includes rights of workers under the common law and under the Constitution; and chapter on "Civil Liberty and Labor." (p. 210-259.) (For full listing see Section A.)
- (THE) WORKERS AND THEIR WORLD, by Joseph Schlossberg. (A. L. P. Committee, 1935. 224 pp.) Essays dealing with the struggle of workers in U. S. and abroad for right to strike, bargain, etc.
- b. Particular Situations, Issues and Cases*
- AMERICAN CITY, by Charles R. Walker. (Farrar and Rinehart, Inc., 1937. 278 pp.) Includes truck drivers' strike in Minneapolis in 1934, showing employer's use of police as a strikebreaking agency.
- ATTITUDE OF AMERICAN COURTS IN LABOR CASES, by George Gorhan Groat. (Columbia University Press, 1911. 400 pp.)
See Part II. Gives excerpts from court cases dealing with union activities.
- AUTOBIOGRAPHY OF MOTHER JONES, ed. by Mary Field Parton. (Charles H. Kerr, 1925.) Reminiscences of a champion of labor's rights.
- (THE) CLOTHING WORKERS, by Jack Hardy. (International Publishers, 1935. 256 pp.) Unionization in the clothing industry.
- COMPANY UNIONS, by Robert W. Dunn. (Vanguard Press, 1928. 206 pp.)
Inside story of company unions, and coercion of workers to join.
- (THE) GREAT STEEL STRIKE, by William Z. Foster. (B. W. Huebsch, Inc., 1920. 240 pp.) Story of the steel workers' fight for rights of organization and free communication.
- HARLAN MINERS SPEAK. National Committee Defense of Political Prisoners. (Harcourt Brace & Co., 1932. 384 pp.) Testimony of Kentucky coal miners on terrorism and infringement of workers' rights by the operators.
- HEARINGS BEFORE THE SENATE SUB-COMMITTEE ON VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR. Pam. (American Civil Liberties Union, 1937.) Includes special report of the Chicago Memorial Day Riot. (Reprint of Hearing.)
- "IT HAPPENS HERE." Pam. (American Civil Liberties Union, 1936. 19 pp.)
Instances of threats to freedom of speech and of interference with the rights of labor in the U. S. in 1935.
- LABOR AND AUTOMOBILES, by Robert W. Dunn. (International Publishers, 1929. 204 pp.) Labor's fight in the automobile industry.
- LABOR AND COAL, by Anna Rochester. (International Publishers, 1931. 255 pp.) Chap. IX, X, XI and XII. Attempts of workers to form unions, and owners' efforts to break their strikes.

- LABOR AND THE GOVERNMENT.** (Twentieth Century Fund, Inc., 1935. 365 pp.) Includes discussion of picketing, spy system, yellow-dog contract, and the government's rôle in labor disputes.
- LABOR AND LUMBER,** by Charlotte Todes. (International Publishers, 1931. 208 pp.) Includes employers' fight against unionization in lumber industry.
- LABOR AND SILK,** by Grace Hutchins. (International Publishers, 1929. 392 pp.) Labor conditions in the silk industry.
- LABOR AND STEEL,** by Horace B. Davis. (International Publishers, 1933. 304 pp.) See Chap. VII, X, XI. Study of the steel industry, showing employers' efforts to prevent unionization.
- LABOR AND TEXTILES,** by Robert W. Dunn and Jack Hardy. (International Publishers, 1931. 256 pp.) Chap. VIII, IX, X and XI. Attempts of labor in the cotton and wool industries to organize.
- LEGAL TACTICS FOR LABOR'S RIGHTS.** (American Civil Liberties Union, 1930. 20 pp. 5¢.) Suggestions for aggressive action for use of attorneys and trade union organizers.
- LET FREEDOM RING,** by Arthur Garfield Hays.
Cases of Pennsylvania and West Virginia miners and Patterson and Passaic strikers, involving free speech and assemblage. (Full listing Section C 1.)
- MINERS AND MANAGEMENT,** by Mary Van Kleek. (Russell Sage Foundation, 1934. 391 pp.) Study of the collective agreement between the United Mine Workers of America and the Rocky Mt. Fuel Co. establishing satisfactory labor relations.
- (THE) PLIGHT OF THE SHARE CROPPER.** Pam. by Norman Thomas. (League for Industrial Democracy, 1934. 10¢.)
Includes the problems of the Southern Tenant Farmers Union in Arkansas.
- PRINCIPLES OF LABOR LEGISLATION,** by John R. Commons and John B. Andrews. (Harper & Bros., 1920. 559 pp.) Chap. III, "Collective Bargaining." Rights of labor and of employers under the law.
- REPORT ON THE STATUS AND WORKING CONDITIONS OF SEAMEN IN THE AMERICAN MERCHANT MARINE.** Pam. (International Juridical Association. 40 pp.) Answer to charge of Secretary of Commerce that striking scamen were guilty of mutiny.
- STRIKES UNDER THE NEW DEAL.** Pam. (League for Industrial Democracy, 1935. 72 pp.) Record and analysis.
- THE STRUGGLE FOR CIVIL LIBERTIES ON THE LAND.** Pam. (American Civil Liberties Union. 47 pp.) Struggle of the land-owning farmers and agricultural laborers to organize, picket and strike.
- TO LIVE AND DIE IN DIXIE.** Pam. by Robert Wood. (Southern Workers Defense Committee. 32 pp. 5¢.)
Struggle of southern agricultural and urban workers to secure their rights.

WHAT RIGHTS FOR THE UNEMPLOYED? Pam. (American Civil Liberties Union, 1935. 20 pp.) Infringement of the rights of the unemployed to organize, demonstrate and petition.

c. Injunctions, Strikes, Boycotts, etc.

AMERICAN ENCYCLOPAEDIA OF LAW. (Edward Thompson Co., Northport, L. I., 1900.) See "Injunctions and Labor Combines." (p. 337-469.) Gives court procedure in granting injunctions and power of federal courts in overriding State court injunctions.

BOYCOTTS AND THE LABOR STRUGGLE, by Harry W. Laidler. (John Lane Co., 1913. 480 pp.) Treatise on boycotting, with emphasis on its legality. Appendix lists cases. Bibliography.

* GOVERNMENT IN LABOR DISPUTES, by Edwin E. Witte. (McGraw Hill Book Co. Inc., 1932. 352 pp.) Government's rôle in labor disputes; discussion of lawful and unlawful strikes and use of the injunction.

INJUNCTION MENACE. Pam. by Charlotte Todes. (International Pamphlets, 1932. 32 pp. 5¢.)

Danger of infringement of the rights of labor through use of the injunction.

INJUNCTIONS AND ORGANIZED LABOR, by Charles Allen. (Dando Print. & Pub. Co., Philadelphia, 1894.)

Analysis of the injunction and the labor combine; legal opinions and testimony in illustrative cases. (p. 299-339.)

INJUNCTIONS TO PROTECT CIVIL RIGHTS, by Carol King. (American Civil Liberties Union, 1937. 44 pp. Mim.)

Model memorandum of law in support of application for injunctions.

LABOR INJUNCTION — AN EXPOSITION OF GOVERNMENT BY JUDICIAL CONSCIENCE AND ITS MENACE, by John P. Frey. Discussion of the use of the injunction against labor. (Full listing Section B 2 c.)

* THE LABOR INJUNCTION, by Felix Frankfurter and Nathan Greene. (The Macmillan Co., 1930. 343 pp.) Scope, character and growth of labor injunctions. Remedies proposed and cases cited.

STATE LEGISLATION LIMITING LABOR INJUNCTIONS, by Nathan Greene. (American Civil Liberties Union, Revised Edition, 1937. 31 pp. Mim.) Draft of model state bill prepared with cooperation of International Juridical Association.

THE YELLOW DOG CONTRACT. Pam. by Elliott E. Cohen. (International Pamphlets No. 21, 1932. 16 pp. 5¢.)

Use and dangers of the yellow dog contract, and suggestions for fighting it.

d. I.W.W.

AMERICAN SYNDICALISM, by John Graham Brooks. (The Macmillan Co., 1913. 256 pp.) Story of the I.W.W. and its attempt to win rights for labor.

DECLINE OF THE I.W.W., by John S. Gamba. (Columbia University Press, 1932. 268 pp.) The I.W.W. from 1917 to 1931. Discussion of infringement of civil rights of its members.

THE I.W.W. — A STUDY IN AMERICAN SYNDICALISM, by Paul F. Brissenden. (Columbia University Press, 1920. 438 pp.)
Descriptive and historical sketch of the I.W.W.

BILL HAYWOOD'S BOOK, by William Haywood. (International Publishers, 1929. 368 pp.) Life story of I.W.W. leader tracing the development of industrial unionism in the U. S.

e. Espionage

I BREAK STRIKES, by Edward Levinson. (McBride & Co., 1935. 306 pp.)
Brutal methods used by professional strikebreakers, and infringement of labor's civil rights.

(THE) LABOR SPY RACKET, by Leo Huberman. (Modern Age Books, N. Y., 1937. 195 pp.) The story of industrial espionage. Condensation of evidence given before the La Follette Civil Liberties Committee. Appendix lists detective agencies and types of spy reports.

THE PINKERTON LABOR SPY, by Morris Friedman. (Wilshire Book Co., N. Y., 1907. 220 pp.)
Inner workings of the spy system employed by capital against labor.

SPY OVERHEAD, by Clinch Calkins. (Harcourt Brace, 1937. 357 pp.)
Story of espionage and infringement of rights of labor disclosed by the La Follette Civil Liberties Committee.

SPYING ON WORKERS. Pam. by Robert Dunn. (International Pamphlets No. 17, 1932. 32 pp. 10¢.)
Methods used by employers and government to check on workers' activities.

THE STOOL PIGEON AND THE OPEN SHOP MOVEMENT, by Jean E. Spielman. (American Publishing Co., Minneapolis, Minn., 1923. 240 pp.)
Exposé of attempts of American capitalism to destroy the labor union.

* VIOLATIONS OF FREE SPEECH AND ASSEMBLY AND INTERFERENCE WITH RIGHTS OF LABOR. (Gov. Printing Office, Washington, 1936. 344 pp.) See "S. Res. 266 — A Bill to Investigate"; and "Hearings before a subcommittee of the Committee on Education and Labor, U. S. Senate — 74th Congress, on S. Res. 266." Statements of labor men defending right to organize and bargain collectively, and exposing use of spies and police by employers. Also reports of National Labor Relations Board on employers' espionage tactics.

* VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR, U. S. Senate 75th Congress, 1st Session. (Report No. 46.) (Gov. Printing Office, Washington, 1937.) La Follette's report on investigation of industrial espionage, strike breaking and part played by munition makers in this system.

f. Violence

* DYNAMITE, by Louis Adamic. (Viking Press, 1931. 453 pp.)
Study of evolution of violence in class struggle in U. S. from 1830 to 1930.

LABOR FACT BOOK, by Labor Research Association, Inc. (Published periodically 1931 to date.) See Vol. III, Killing of workers, etc. (Full listing Section A.)

SO THIS IS FREE SPEECH! Pam. (American Civil Liberties Union, 1935. 16 pp. 10¢.) News pictures of labor and farm strikes, and of unemployed demonstrations (1933-1934) showing violence used by police and troops.

VIOLENCE AND THE LABOR MOVEMENT, by Robert Hunter. (The Macmillan Co., 1914. 356 pp.) Discusses infringement of rights of labor by employers and labor's use of direct action and sabotage.

Note: See also Section C 10 b for the Negro in industry, and Section B 2 c for legislative restrictions.

9. RIGHTS OF ALIENS

ADMINISTRATIVE CONTROL OF ALIENS, by William C. Van Vleck. Development of the immigration and deportation laws, and of the processes of exclusion and expulsion.

AMERICAN DEPORTATION AND EXCLUSION LAWS. Pam. by Charles Recht. (Reprinted by Civil Liberties Bureau, 1919. 25 pp.) Includes discussion of injustice in the deportation of aliens.

AMERICAN LABOR YEARBOOKS 1916-1932. Labor Research Dept. Rand School of Social Science.

Annual summary of violations of rights of aliens. (Full listing Section A.)

THE ATTEMPTED DEPORTATION OF JOHN STRACHEY. Pam. (American Civil Liberties Union, 1935. 40 pp.)

Abstract of proceedings before Director of Immigration at Chicago.

CASE OF ROSIKA SCHWIMMER. Pam. (American Civil Liberties Union, 1929. 16 pp.) Account of denial of citizenship because of pacifist attitude.

A DANGEROUS WOMAN. Pam. by Sprad. (American Committee for Protection of Foreign Born, 1933. 24 pp. 3¢.)

Attempted deportation of Stella Pertosky because of labor activities.

* DEPORTATION OF ALIENS FROM THE U. S. TO EUROPE, by Jane Perry Clark. (Columbia University Press, 1931. 518 pp.)

Study of text and administration of deportation laws. Suggestions for amendment of these statutes and of re-entry law.

THE DEPORTATION CASES, 1919-1920, by Constantine M. Panunzia. (The Federal Council of the Churches of Christ of America, 1920. 104 pp.)

An inquiry into the deportation of radicals 1919-1920; arrest, hearings, court decisions and disposition of 200 cases.

* THE DEPORTATION DELIRIUM OF 1920, by Louis F. Post. (Charles H. Kerr & Co., 1923, 327 pp.) Lawless methods in deportation of radical aliens.

DEPORTATIONS. Pam. by Carol King. (American Civil Liberties Union 1935. 22 pp. 50¢. Mim.) Suggestions to attorneys handling deportations involving political or economic views and activities.

- ENCYCLOPAEDIA OF THE SOCIAL SCIENCES. (The Macmillan Co., 1930.) See "Deportation and Expulsion." Vol. V, p. 95-98. Includes application of the laws in cases involving political opinion.
- THE FOREIGN-BORN IN THE UNITED STATES. Pam. by Dwight C. Morgan. (American Committee for Protection of the Foreign Born, 1936. 78 pp. 10¢.) Includes cases showing policy of U. S. toward foreign-born radicals, injustices of the deportation laws and obstacles to obtaining citizenship.
- FOREIGN DICTATORS OF AMERICAN RIGHTS. Pam. (American Civil Liberties Union, 1925. 16 pp.) Review of Tresca and Karolyi cases.
- * FREEDOM OF SPEECH, by Zechariah Chafee, Jr. Includes analysis of text and machinery of statute in re deportation of radicals and some prosecutions under this statute. p. 229-291. (Full listing Section B 2 a.)
- IMMIGRANT'S DAY IN COURT, by Kate Holliday Claghorn. (Harper & Bros., 1923. 529 pp.) Includes discussion of evils connected with deportation of aliens and revocation of citizenship, and suggestions for amelioration. Cases of deportation because of political opinions cited.
- IMMIGRATION AND ALIENS IN THE U. S., by Max J. Kohler. (Block Publishing Co., 1936. 437 pp.) Laws governing immigration to U. S. and alien residents in the U. S. Show illiteracy tests and registration requirements interfere with right of asylum. (Part I, Chap. 5; Part II, Chap. 2.)
- IN THE SHADOW OF LIBERTY, by Edward Corsi. (The Macmillan Co., 1935. See Chap. "Those Bad, Bad, Radicals" (p. 177-200) and "Storms of the Past and Present" (p. 224-257). A former commissioner of immigration tells how the "anti-red" immigration law operates.
- LABOR FACT BOOK, by Labor Research Association, Inc. (Published periodically 1931 to date.) See Vol. I, p. 166, discrimination against foreign born workers. See Vol. III, p. 178-182, deportation of foreign born and anti-alien bills.
- LIVING MY LIFE, by Emma Goldman. (Alfred Knopf, 1931. 993 pp.) Autobiography of an anarchist, deported for her radicalism.
- THE PACIFIST BOGEY. Pam. (American Civil Liberties Union, 1931. 23 pp.) Cases of alien pacifists in court; Schwimmer and McIntosh cases.
- REGISTRATION OF ALIENS — A DANGEROUS PROJECT, by Max Kohler. (Max Kohler, 1926. 134 pp.) Infringement of civil liberties involved in the registration of aliens.
- (THE) RIGHT OF ASYLUM. Pam. (American Civil Liberties Union, 1937. 15 pp.) Laws and policy of U. S. in regard to admission and deportation of alien political refugees. Also suggested bill to recognize their status.
- RIGHT OF ASYLUM. Pam. by Charles Recht. (Social Economic Foundation, 1935. 36 pp. 15¢.) Historical survey of right of sanctuary; also contemporary status of right of political asylum in the U. S.
- (THE) RUSSIANS AND RUTHENIANS IN AMERICA, by Jerome Davis. (George Doran Co., 1922. 155 pp.) Discrimination against immigrants in the U. S. (Cases cited.)

- THIS LAND OF LIBERTY, by Ernest Sutherland Bates. Chap. X — The cases of Count Kossuth and Count Karolyi. (For full listing see Section A.)
- TO THE AMERICAN PEOPLE — REPORT UPON THE ILLEGAL PRACTICES OF THE U. S. DEPARTMENT OF JUSTICE. Pam. by Brown, Chafee, Frankfurter, etc. Some important testimony from the Collyer case included. (For full listing see Section B 3 b.)
- U. S. CONGRESSIONAL REPORTS — HEARINGS BEFORE COMMITTEE ON RULES ON H. RESOLUTION 522, 66th Cong. 1922.
Investigation of administration of Louis F. Post, Asst. Secty. Labor, in matter of deportation of aliens.
- * U. S. CONGRESSIONAL REPORTS — HEARINGS BEFORE SUBCOMMITTEE OF THE HOUSE COMMITTEE ON IMMIGRATION AND NATURALIZATION, 66th Congress, 2nd Session.
“Communist and Anarchist Deportation Cases,” “I.W.W. Cases,” “Communist Labor Party Deportation Cases.”
- U. S. IMMIGRATION, EXCLUSION AND DEPORTATION, by Sidney Kanes. (Washington Pub. Co., 1927.)
- U. S. NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT REPORT. George Wickersham, Chairman. (Gov. Printing Office, Washington.) * See Report V (179 pp.) on enforcement of deportation laws in U. S., by Reuben Oppenheimer. See Report X (410 pp.) on crime and foreign born.
- (THE) WORKER'S PASSPORT, by W. T. Colyer. (Labour Research Dept., 162 Buckingham Palace Road, London, S. W. 1, 1928. 100 pp.)
Includes a study of the legal restrictions on alien workers in the U. S.
- WORLD IMMIGRATION, by Maurice R. Davie. (The Macmillan Co., 1936. 588 pp.) Development of U. S. police and administration of immigration laws. Bibliography.
- Note:* See also Section 10 — Rights of Racial Minorities.

10. RIGHTS OF RACIAL MINORITIES

a. General

- ALIEN AMERICANS, by Bertram Schrieck. (Viking Press, 1936. 208 pp.)
A study of race relations in the U. S.
- OUR RACIAL AND NATIONAL MINORITIES, edited by Francis J. Brown and Joseph S. Roucek (1937). Their history, contribution and problems.
- RACE DISTINCTION IN AMERICAN LAW, by G. T. Stephenson.
History of legal and social discrimination in U. S. against Negro and oriental races. (For full listing see Section B 2 i.)
- RACIAL FACTORS IN AMERICAN INDUSTRY, by Herman Feldman. (Harper & Bros., 1931.) Racial discrimination in industry and tentative program for remedying industrial prejudice.

STORY OF CIVIL LIBERTY IN THE UNITED STATES, by Leon Whipple. Includes chapter on race problems and civil liberty. Rights of the Negro, the oriental and the American Indian discussed. (p. 84-123, 169-209.) (For full listing see Section A.)

b. Negroes

ALONG THIS WAY, by James Weldon Johnson. (The Viking Press, 1933. 418 pp.) Autobiography of an outstanding Negro. Includes discussion of Negro disfranchisement, Jim Crowism, mob violence, and lynching.

AMERICAN LABOR YEARBOOKS 1916-1932, Labor Research Dept. of Rand School of Social Science. Includes annual summary of violations of rights of Negroes. (For full listing see Section A.)

AMERICAN NEGRO. Pam. by James S. Allen. (International Pamphlets No. 18, 1932. 32 pp. 10¢.) Lynching, peonage and discrimination in army are some of violations of civil rights discussed.

BLACK AMERICA, by Scott Nearing. (The Vanguard Press, 1929. 275 pp.) Shows racial discrimination against the agricultural Negro in the South and industrial Negro in the North.

BLACK JUSTICE. Pam. (Introduction by Broadus Mitchell.) (American Civil Liberties Union, 1931. 27 pp. 10¢.) Legal discriminations against Negroes.

BLACK RECONSTRUCTION, by W. E. B. Du Bois. (Harcourt, Brace & Co., 1935. 746 pp.) Slavery, emancipation, and violation of civil liberties of the Negro discussed; emphasis on 1860-1880. Bibliography.

THE BLACK WORKER, by Sterling D. Spero and Abram L. Harris. (Columbia University Press, 1931. 484 pp.) The Negro in industry. Includes excerpts from journals and letters, showing infringement of rights of Negro workers.

A CENTURY OF NEGRO MIGRATION, by Carter G. Woodson. (The Association for the Study of Negro Life and History, Washington, 1918. 221 pp.) History of Negro migration to the North between 1800 and 1918, and concomitant persecution and political injustices.

DIVINE WHITE RIGHT, by Trevor Brown and Ira de A. Reid. (Harper & Bros., 1934. 310 pp.) Economic background of racial discrimination, and attempts to overcome it. Bibliography.

EDUCATION OF NEGROES IN THE AMERICAN SOCIAL ORDER, by Horace Mann Bond. (Prentice Hall, Inc., 1934. 501 pp.) Effect of slavery, politics, legislation and prejudice on the education of the Negro.

ENCYCLOPAEDIA OF THE SOCIAL SCIENCES. (The Macmillan Co., 1930.) See "Abolition," "Miscegenation," "Segregation," "Slavery."

INTERMARRIAGE WITH NEGROES. (Yale Law Journal, New Haven, Conn., 1926-27.) Laws against intermarriage and test cases, also discriminatory laws regarding citizenship of offspring.

KU KLUX KLAN, Vol. I, No. 10, in "Reference Shelf" Series, by Julia E. Johnsen. A debater's handbook with reprints from selected articles. Bibliography. (For full listing see Section B 3 c.)

- LABOR FACT BOOK, by Labor Research Association. (International Publishers Co., 1931.) Briefly summarized facts regarding discrimination against the Negro: Vol. I, p. 99, 132 and 167; Vol. II, p. 127-143; Vol. III, p. 98, 169 and 172. (For full listing see Sec. A.)
- LAW OF FREEDOM AND BONDAGE IN THE UNITED STATES, by John C. Hurd. (Little Brown & Co., 1858, Vol. I, 617 pp., 1862; Vol. II, 800 pp.) Treatise on legal questions arising from Negro slavery in U. S.
- LEGAL ASPECTS OF SEPARATION OF RACES IN THE PUBLIC SCHOOLS. Pam. by Maurice Risen. (Temple University, Philadelphia, 1935.) Gives constitutional and statutory provisions relating to the separation of races in public schools. (Ph.D. dissertation.)
- NEGRO AMERICANS WHAT NOW? by James Weldon Johnson. (Viking Press, 1934. 103 pp.) Status of Negro in education, politics, labor, business, press and church. Discrimination against Negro in history textbooks.
- NEGRO IN AMERICAN CIVILIZATION, by Charles S. Johnson. (Henry Holt & Co., 1930. 483 pp.) Shows limitation of economic opportunities of the Negro and his deprivation of the right to vote in some states.
- NEGRO IN TRADE UNIONS OF NEW YORK, by Charles Lionel Franklin. Pub. by Columbia University Press, 1936. 415 pp.) Includes instances of discrimination against the Negro in N. Y. labor unions.
- NEGRO LABOR IN THE UNITED STATES, by Charles H. Wesley. (Vanguard Press, 1927. 307 pp.)
History of Negro labor in the U. S., showing marked discrimination.
- NEGRO POLITICIANS, by Harold F. Gosnell. (University of Chicago Press, 1935. 373 pp.) Includes instances of discrimination against the Negro in education and civil service.
- NEGROES AND THE LAW, by Fitzhugh Lee Styles. (Christopher Publishing House, Boston, 1937. 320 pp.) The Negro's fight to secure his constitutional rights, with accounts of celebrated cases.
- PREFACE TO PEASANTRY, by Arthur F. Raper. (The University of North Carolina Press, 1936. 423 pp.) Detailed study of Negro living conditions in two Black Belt counties, showing racial discrimination (p. 110-180 and p. 254-403).
- ROPE AND FAGOT, by Walter White. (Alfred A. Knopf, 1929. 272 pp.)
Examination of factors leading to lynching.
- THE SCOTTSBORO CASE. Pam. (Scottsboro Defense Committee, 1936. 28 pp.) Opinion of Judge James E. Horton granting a new trial.
- SCOTTSBORO: THE SHAME OF AMERICA. Pam. (Scottsboro Defense Committee, 1936. 32 pp. 5¢.) Summary of history of case 1931-1936.
- TRIAL BY PREJUDICE, by Arthur Garfield Hays.
Review of Scottsboro and Angelo Herndon cases. (For full listing see Section C 1.)

Note: See Also Section B 3 d for references on lynching.

c. Orientals

- ALIEN AMERICANS**, by Bertram J. Schriekc.
Discusses discrimination in U. S. against Chinese and Japanese, including immigration restrictions. (p. 8-45.) (For full listing see Section 10a.)
- AMERICAN POLICY TOWARD CHINA AS REVEALED IN THE DEBATES OF CONGRESS**, by Wen Hwan Ma. (Kelly & Walsh Ltd., Shanghai, 1934. 292 pp.) Chronological review of U. S. policy toward China.
- HISTORY OF CALIFORNIA FROM 1542**, by Arthur A. Gray. (Heath & Co., 1934. 655 pp.) Gives instances of race riots and violence against orientals. (See Chap. 23 and 36.)
- HUMAN MIGRATION**, by Donald R. Taft. (Ronald Press, 1936. 590 pp.)
Discussion of regulation of Chinese and Japanese immigration to the U. S.
- JAPANESE EXCLUSION**, Vol. III, No. 4, in "Reference Shelf" Series, comp. by Julia E. Johnsen. (H. W. Wilson Co., 1925. 134 pp.)
Contains bibliography p. 15-31.
- JAPANESE EXCLUSION**, by John B. Trevor. (Govt. Printing Office, 1925.)
A study of U. S. policy; court cases denying citizenship to orientals.
- JAPANESE IMMIGRATION — ITS STATUS IN CALIFORNIA**. Pam. by Yamato Ichihashi. (The Japanese Association of America, 1913. 48 pp.)
Includes discussion of discrimination against Japanese. (See Part 6.)
- * **JAPANESE IN THE U. S.**, by Yamato Ichihashi. (Stanford Univ. Press, 1932.) A critical study of problems of Japanese immigrants, and discussion of discriminatory laws of California, e.g., abrogation of the Gentlemen's Agreement of 1907, the alien land laws, etc.
- THE PACIFIC COAST — A NEW ORIENTAL POLICY**, by Sidney L. Gulick. Report on the policy of the U. S. toward alien orientals.
- PROBLEMS OF FILIPINO IMMIGRATION**, by Hermenegildo Cruz, in **INSTITUTE OF PACIFIC RELATIONS, PROCEEDINGS OF**, 4th Congress. (Univ. of Chicago Press, 1932. p. 431-444.)
- THE STORY OF CIVIL LIBERTY IN THE UNITED STATES**, by Leon Whipple. Includes a brief summary of infringement of civil rights of orientals.
For Chinese, p. 197-198, police persecution and ejection from settlements.
For Japanese, p. 208, discrimination against land owning, school attendance and right to become citizens. (For full listing see Section A.)
- SURVEY OF THE JAPANESE QUESTION IN CALIFORNIA**. Pam. by J. Soyeda and T. Kamirya. (The Japanese Association of America, 1913. 16 pp.)
Discussion of U. S. policy of discrimination.
- THEODORE ROOSEVELT AND THE JAPANESE AMERICAN CRISES**, by Thomas A. Bailey. (Stanford Univ. Press, 1934. 353 pp.) Controversy regarding the protection of treaty rights of the Japanese in California.

d. Indians

ALIEN AMERICANS, by Bertram J. Schrieke.

Discrimination against and segregation of Indians in U. S., p. 46-69. (For full listing see Section 10 a.)

A CENTURY OF DISHONOR, by Helen Hunt Jackson. (Little Brown & Co., Boston, 1913. 541 pp.) Violation of rights of Indians in the U. S.

A CONTINENT LOST — A CIVILIZATION WON, by J. P. Kinney. (Johns Hopkins Press. 366 pp.) Chronologically presents the process through which the American Indian has lost his rights.

INDIAN PRIMER. (Pub. by American Civil Liberties Union, 1932. 8 pp.)

Facts about the condition and treatment of American Indians.

* MASSACRE, by Robert Gessner. (Jonathan Cape & Harrison Smith, 1931. 418 pp.) Denial of civil rights and of constitutional protection shown as contributory factors in the destruction of the American Indian.

STORY OF CIVIL LIBERTY, by Leon Whipple.

Includes brief summary of infringement of civil rights of Indians (see p. 170-171); and of broken treaties and violence. (Full listing Section A.)

e. Mexicans

ALIEN AMERICANS, by Bertram J. Schrieke.

Discusses discrimination against Mexicans in U. S. — p. 46-69. (For full listing see Section 10 a.)

HUMAN MIGRATION, by Donald R. Taft.

Includes discussion of segregation of Mexicans — p. 519-523. (For full listing see Section 10 c.)

THE MEXICAN IN THE U. S., by Emory S. Bogardus. (Univ. of So. Calif. Press, 1934. 126 pp.) Includes legislation and control of the Mexicans in U. S. See Chap. 5 for arrests in Imperial Valley. Bibliography.

THE VITAL PROBLEM OF MEXICAN IMMIGRATION, by Don D. Lescohier. (In National Conferences of Social Work, Proceedings of 1927.)

Note: See also Section C 9, Rights of Aliens; and Section B 2 i, Legislative Restrictions on Aliens and Racial Minorities.

11. RIGHTS OF RESIDENTS IN U. S. POSSESSIONS

* AMERICAN LABOR YEARBOOKS. (Published annually 1916-1932.) Research Dept. of Rand School of Social Science.

Gives instances of repressions of civil rights: in HAWAII (see yearbook 1925, p. 356; 1927, p. 155); in PANAMA (see yearbook 1931, p. 208); in PHILIPPINES (see yearbook 1929, p. 204; 1932, p. 253); in PORTO RICO (see yearbook 1916-1917, p. 103; 1917-18, p. 306-307; 1921-22, p. 355-359; 1925, p. 60 and 382); in VIRGIN ISLANDS and SAMOA (see yearbook 1924, p. 460; 1925, p. 404; 1926, p. 291; 1931, p. 209). (For full listing see Section A.) (For later years see Labor Fact Book.)

- CIVIL LIBERTIES IN AMERICAN COLONIES.** Pam. (American Civil Liberties Union, 1933. 32 pp.) Restrictions on civil liberties in American-controlled colonies, with proposed remedies.
- INTERNATIONAL LAW AND THE ISLANDS CEDED BY SPAIN TO THE U. S.** Pam. by J. H. W. Stuckenberg. (J. J. Arakelyan, Boston.)
Discussion of rights of residents in Cuba and the Philippine Islands.
- THE LUST OF EMPIRE.** Pam. by George Hoar. (Tucker Pub. Co., 1900. 139 pp.) Senate speech pleading for liberty and civil rights in Philippines.
- MODERN SAMOA,** by Felix M. Keesing. (George Allen and Unwin Ltd., London, 1934. 506 pp.) Includes references to government control in American Samoa. Bibliography.
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- REPORT OF THE COMMISSION OF INQUIRY ON CIVIL RIGHTS IN PORTO RICO,** by Arthur Garfield Hays. Pam. (Pub. May 22, 1937. 70 pp. Obtainable at American Civil Liberties Union, 25¢.)
Report of investigation of the riot at Ponce and of the subsequent inquiry into the status of civil liberty in Porto Rico.

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